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LEGISLATIVE ASSEMBLY
OF THE
PROVINCE OF ONTARIO

BILLS

AS ENACTED

SESSION

MARCH 20 TO JUNE 25, 1884
and

AUGUST 25, 1884
and

OCTOBER 3 TO DECEMBER 14, 1884

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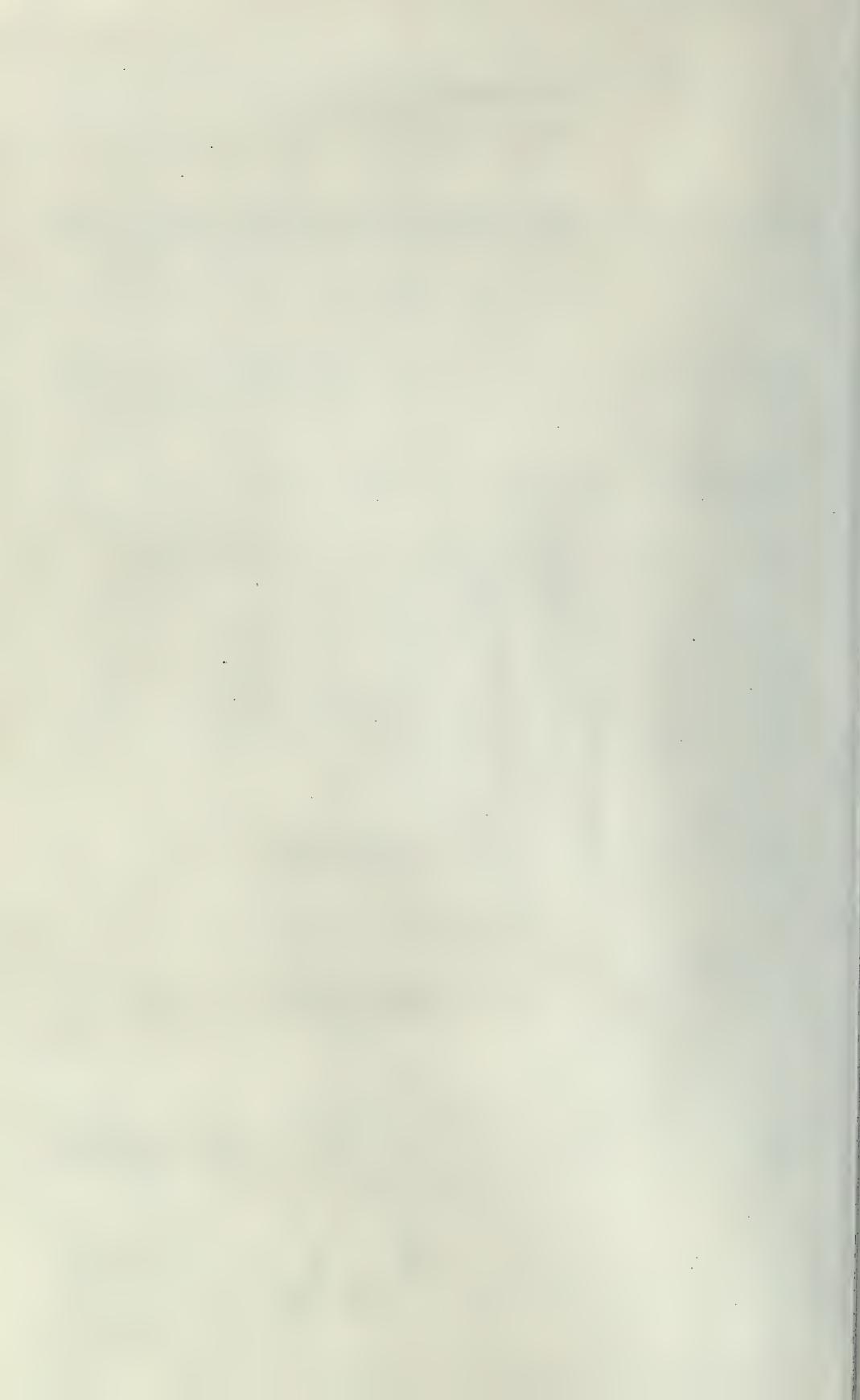
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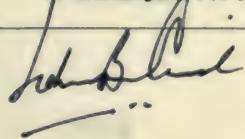
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Bill 100

*(Chapter 11
Statutes of Ontario, 1984)*

An Act to revise and consolidate the Law respecting the Organization, Operation and Proceedings of Courts of Justice in Ontario

The Hon. R. McMurtry
Attorney General

<i>1st Reading</i>	March 20th, 1984
<i>2nd Reading</i>	March 20th, 1984
<i>3rd Reading</i>	April 24th, 1984
<i>Royal Assent</i>	May 1st, 1984



CLERK
LEGISLATIVE ASSEMBLY

CLARK
PHOTOGRAPHIC MFG.

Bill 100**1984**

An Act to revise and consolidate the Law respecting the Organization, Operation and Proceedings of Courts of Justice in Ontario

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpretation

- (a) “action” means a civil proceeding that is not an application and includes a proceeding commenced in the Supreme Court or the District Court by,
 - (i) statement of claim,
 - (ii) notice of action,

- (iii) counterclaim,
- (iv) crossclaim,
- (v) third or subsequent party claim, or
- (vi) divorce petition or counterpetition,

and a proceeding commenced in the Provincial Court (Civil Division) by claim;

- (b) "application" means a civil proceeding in the Supreme Court or the District Court that is commenced by notice of application or a civil proceeding in the Unified Family Court, a surrogate court or the Provincial Court (Family Division) that is commenced by application;
- (c) "defendant" means a person against whom an action is commenced;
- (d) "hearing" includes a trial;
- (e) "motion" means a motion in a proceeding or an intended proceeding;
- (f) "order" includes a judgment or decree;
- (g) "plaintiff" means a person who commences an action;
- (h) "Rules of Civil Procedure" means the rules for the Supreme Court and the District Court made under Part V.

PART I

SUPREME COURT OF ONTARIO

ORGANIZATION

Supreme
Court

2.—(1) The Supreme Court of Ontario is continued as a superior court of record having civil and criminal jurisdiction, with all the jurisdiction, power and authority historically exercised by courts of common law and equity in England and Ontario.

Branches

(2) The Supreme Court shall continue to consist of two branches, the Court of Appeal for Ontario and the High Court of Justice for Ontario. R.S.O. 1980, c. 223, ss. 2, 3.

3.—(1) The Court of Appeal shall consist of the Chief Justice of Ontario, who shall be president of the court, the Associate Chief Justice of Ontario and fourteen other judges to be called justices of appeal.

Court of Appeal

(2) Where the Chief Justice of Ontario is absent from Ontario or is for any reason unable to act, the powers and duties of the Chief Justice as president of the Court of Appeal shall be exercised and performed by the Associate Chief Justice of Ontario or, where both are absent or unable to act, by the senior justice of appeal who is present and able to act. R.S.O. 1980, c. 223, s. 4.

Absence of Chief Justice

4.—(1) The High Court shall consist of the Chief Justice of the High Court, who shall be president of the court, the Associate Chief Justice of the High Court and such number of other judges as is fixed under subsection (2). R.S.O. 1980, c. 223, s. 5 (1); 1981, c. 23, s. 2 (1).

High Court

(2) The Lieutenant Governor in Council may by regulation fix the number of judges of the High Court who are in addition to the Chief Justice and Associate Chief Justice, but where the number is reduced by regulation, the reduction shall not be applied to affect appointments existing at the time of the reduction. 1981, c. 23, s. 2 (2).

Number of judges

(3) Where the Chief Justice of the High Court is absent from Ontario or is for any reason unable to act, all the powers and duties of the Chief Justice of the High Court shall be exercised and performed by the Associate Chief Justice of the High Court or, where both are absent or unable to act, by the senior judge of the High Court who is present and able to act. R.S.O. 1980, c. 223, s. 5 (2).

Absence of Chief Justice

5.—(1) There shall be a division of the High Court to be known as the Divisional Court of the High Court of Justice for Ontario consisting of the Chief Justice of the High Court who shall be president of the court and such other judges of the High Court as the Chief Justice may designate from time to time.

Divisional Court

(2) Every judge of the High Court is also a judge of the Divisional Court. R.S.O. 1980, c. 223, s. 7.

Jurisdiction of judges

6.—(1) For each of the offices of Chief Justice of Ontario and Associate Chief Justice of Ontario there shall be such additional offices of judges of the Court of Appeal as are from time to time required, to be held by Chief Justices of Ontario

Additional judges

R.S.C. 1970,
c. J-1

and Associate Chief Justices of Ontario who have elected under the *Judges Act* (Canada) to perform only the duties of a judge of the Court of Appeal.

Idem

(2) For each of the offices of Chief Justice of the High Court and Associate Chief Justice of the High Court there shall be such additional offices of judge of the High Court as are from time to time required, to be held by Chief Justices of the High Court and Associate Chief Justices of the High Court who have elected under the *Judges Act* (Canada) to perform only the duties of a judge of the High Court. *New.*

Super-
numerary
judges

(3) For each office of judge of the Court of Appeal and of the High Court of Justice there shall be the additional office of supernumerary judge held by a judge of such court who has elected under the *Judges Act* (Canada) to hold office only as a supernumerary judge of that court. R.S.O. 1980, c. 223, s. 6.

Rank and
precedence

7.—(1) The judges of the Supreme Court have rank and precedence as follows:

1. The Chief Justice of Ontario.
2. The Chief Justice of the High Court.
3. The Associate Chief Justice of Ontario.
4. The Associate Chief Justice of the High Court.
5. The other judges of the Supreme Court, according to seniority of appointment. R.S.O. 1980, c. 223, s. 8.

Court of
Appeal

(2) Among themselves, the judges of the Court of Appeal have rank and precedence, after the Chief Justice of Ontario and the Associate Chief Justice of Ontario, according to seniority of appointment to the Court of Appeal. *New.*

Jurisdiction
of judges

8. A judge appointed to the Court of Appeal or the High Court is a judge of the Supreme Court and, by virtue of his or her office, a judge of the branch of which he or she is not a member and, except as otherwise provided, all judges of the Supreme Court have equal jurisdiction, power and authority. R.S.O. 1980, c. 223, s. 9.

Assignment
of judges to
another court

9.—(1) The Chief Justice of Ontario may assign a judge of the Court of Appeal to perform, in Toronto, the work of a judge of the High Court.

(2) The Chief Justice of Ontario, with the concurrence of the Chief Justice of the High Court, may assign a judge of the High Court to sit as a member of the Court of Appeal. ^{Idem}
R.S.O. 1980, c. 223, s. 42 (1, 2).

10.—(1) A council of the judges of the Supreme Court shall be held in Toronto at least once in each year, on a day fixed by the Chief Justice of Ontario, for the purpose of considering this Act, the Rules of Civil Procedure and the administration of justice generally. ^{Council of judges}

(2) The judges shall report their recommendations to the Attorney General. R.S.O. 1980, c. 223, s. 118 (1, 2). ^{Recommendations}

11. Where a power or authority is conferred on the judges of the Supreme Court or the High Court as a body, they may delegate the power or authority to a committee of themselves. R.S.O. 1980, c. 223, s. 119 (1). ^{Delegation of powers}

12.—(1) Every District Court judge may be appointed as a local judge of the High Court. ^{Local judges}

(2) Every local judge has the jurisdiction conferred by the Rules of Civil Procedure. ^{Jurisdiction}

(3) Subject to the Rules of Civil Procedure, every local judge has all the jurisdiction of a judge of the High Court to hear and determine actions under the *Divorce Act* (Canada) and, where a claim for other relief is joined in a petition for divorce, a local judge has the same jurisdiction to hear and determine the claim as a judge of the High Court. ^{Idem}
^{R.S.C. 1970, c. D-8}

(4) A local judge may act in any county or district. R.S.O. 1980, c. 223, s. 121. ^{Idem}

JURISDICTION

13.—(1) Unless otherwise provided, proceedings in the Supreme Court shall be in the High Court. ^{High Court jurisdiction}

(2) Subject to the *Divorce Act* (Canada), an appeal lies to the High Court from, ^{Appeals to High Court}

(a) an interlocutory order of a master;

(b) an interlocutory order of a local judge of the High Court, where the order could have been made by a master;

- (c) a certificate of assessment of costs issued in a proceeding in the Supreme Court, where the appeal is on an issue in respect of which an objection was served under the Rules of Civil Procedure. *New.*

Composition
of court for
hearings

14.—(1) Unless otherwise provided by an Act or the Rules of Civil Procedure, every proceeding in the High Court shall be heard and determined by one judge of the High Court.

Sittings

(2) The sittings of the High Court and the assignment of judges thereto shall be determined by the judges of the High Court, with power in the Chief Justice of the High Court to make such readjustment or reassignment as is necessary from time to time. R.S.O. 1980, c. 223, s. 45 (1-3).

Idem

(3) At least two sittings of the High Court shall be held in each year in every county and district but, when there are not enough proceedings ready to be heard at the sitting to justify a separate sitting, the sitting may be held in an adjacent county or district. R.S.O. 1980, c. 223, s. 48 (6).

Divisional
Court
jurisdiction
R.S.C. 1970,
c. D-8

15.—(1) Subject to the *Divorce Act* (Canada), an appeal lies to the Divisional Court from,

- (a) a final order of a judge or local judge of the High Court,
 - (i) for a single payment of not more than \$25,000, exclusive of costs,
 - (ii) for periodic payments that amount to not more than \$25,000, exclusive of costs, in the twelve months commencing on the date the first payment is due under the order,
 - (iii) dismissing a claim for an amount that is not more than the amount set out in subclause (i) or (ii), or
 - (iv) dismissing a claim for an amount that is more than the amount set out in subclause (i) or (ii) and in respect of which the judge indicates that if the claim had been allowed the amount awarded would have been not more than the amount set out in subclause (i) or (ii);
- (b) an interlocutory order of a judge of the High Court, with leave as provided in the Rules of Civil Pro-

cedure, other than an order made on an appeal from the District Court;

- (c) an interlocutory order of a local judge of the High Court, with leave as provided in the Rules of Civil Procedure, other than an order that could have been made by a master;
 - (d) a final order of a master;
 - (e) a final order of a local judge of the High Court, where the order could have been made by a master.
- R.S.O. 1980, c. 223, s. 17.

(2) Where an appeal in a proceeding lies to the High Court and an appeal in the same proceeding lies to and is taken to the Divisional Court, the Divisional Court has jurisdiction to hear and determine the appeal that lies to the High Court at the same time as the appeal to the Divisional Court and may, on motion, transfer an appeal that has already been commenced in the High Court to the Divisional Court. *New.*

Combining of
appeals lying
to High
Court

16.—(1) Unless otherwise provided, every proceeding in the Divisional Court shall be heard and determined by three judges sitting together.

Composition
of court for
hearings

(2) A proceeding in the Divisional Court may be heard and determined by one judge where the proceeding,

- (a) is an appeal under clause 15 (1) (d) or (e);
- (b) is an appeal under section 83 (from the Provincial Court (Civil Division)); or
- (c) is in a matter that the Chief Justice of the High Court or a judge designated by the Chief Justice is satisfied, from the nature of the issues involved and the necessity for expedition, can and ought to be heard and determined by one judge. R.S.O. 1980, c. 223, s. 46.

(3) A motion in the Divisional Court, unless otherwise provided by the Rules of Civil Procedure, shall be heard and determined by one judge, but,

- (a) the judge may adjourn the motion to a panel of the Divisional Court;
- (b) where the motion is heard by one judge, a panel of the Divisional Court may, on motion, set aside or

vary the decision of the judge. R.S.O. 1980, c. 223, s. 40.

Sittings

(4) Sittings of the Divisional Court shall be held at such times and in such places as the Chief Justice of the High Court directs. R.S.O. 1980, c. 223, s. 46 (4).

Court of
Appeal
jurisdiction

17.—(1) An appeal lies to the Court of Appeal from,

- (a) an order of the Divisional Court, on a question that is not a question of fact alone, with leave as provided in the Rules of Civil Procedure;
- (b) a final order of a judge of the High Court, except an order referred to in clause 15 (1) (a);
- (c) a final order of a local judge of the High Court, except an order referred to in clause 15 (1) (a) or where the order could have been made by a master. R.S.O. 1980, c. 223, s. 28 (1).

Combining of
appeals lying
to other
courts

(2) Where an appeal in a proceeding lies to the Divisional Court or High Court, and an appeal in the same proceeding lies to and is taken to the Court of Appeal, the Court of Appeal has jurisdiction to hear and determine the appeal that lies to the Divisional Court or High Court at the same time as the appeal to the Court of Appeal and may, on motion, transfer an appeal that has already been commenced in the High Court or Divisional Court to the Court of Appeal. *New.*

Composition
of court for
hearings

18.—(1) Unless otherwise provided, every proceeding in the Court of Appeal shall be heard and determined by not fewer than three judges sitting together, and always by an uneven number of judges.

Idem

R.S.C. 1970,
c. D-8

(2) An appeal to the Court of Appeal from an interim order under section 10 of the *Divorce Act* (Canada) may be heard and determined by one judge, unless it is to be heard with an appeal that, but for subsection 17 (2), would have been heard by three judges of the Divisional Court. R.S.O. 1980, c. 223, s. 41.

Idem

(3) A motion in the Court of Appeal, except a motion for leave to appeal, a motion to quash an appeal or such other motion as is specified by the Rules of Civil Procedure, shall be heard and determined by one judge, but,

- (a) the judge may adjourn the motion to a panel of the Court of Appeal;

(b) where the motion is heard by one judge, a panel of the Court of Appeal may, on motion, set aside or vary the decision of the judge. R.S.O. 1980, c. 223, s. 33.

(4) The senior judge on a panel of the Court of Appeal shall preside but, where the senior judge is a supernumerary judge, the Chief Justice of Ontario, on the request of the senior judge, may designate another judge to preside. R.S.O. 1980, c. 223, s. 44.

Presiding
judge

(5) The Chief Justice of Ontario has general supervision and direction over the sittings of the Court of Appeal and the assignment of the judicial duties of the court. R.S.O. 1980, c. 223, s. 41 (4).

Sittings

19.—(1) The Lieutenant Governor in Council may refer any question to the Court of Appeal for hearing and consideration.

References to
Court of
Appeal

(2) The court shall certify its opinion to the Lieutenant Governor in Council, accompanied by a statement of the reasons therefor, and any judge who differs from the opinion may in like manner certify his or her opinion and reasons.

Opinion of
court

(3) On the hearing of the question, the Attorney General of Ontario is entitled to make submissions to the court.

Submissions
by Attorney
General

(4) Where a question relates to the constitutional validity or constitutional applicability of an Act of the Parliament of Canada or the Legislature, or of a regulation or by-law made thereunder, the Attorney General of Canada shall be notified and is entitled to make submissions to the court.

Idem

(5) The court may direct that any person interested, or any one or more persons as representatives of a class of persons interested, be notified of the hearing and be entitled to make submissions to the court.

Notice

(6) Where an interest affected is not represented by counsel, the court may request counsel to argue on behalf of the interest, and the reasonable expenses thereof shall be paid by the Treasurer of Ontario.

Appointment
of counsel

(7) The opinion of the court shall be deemed to be a judgment of the court and an appeal lies therefrom as from a judgment in an action. R.S.O. 1980, c.86.

Appeal

OFFICERS

Masters

20.—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint such masters of the Supreme Court as are considered necessary. R.S.O. 1980, c. 223, s. 96 (1).

Qualifications

(2) No person shall be appointed as a master unless he or she has been a member of the bar of one of the provinces of Canada for at least ten years.

Jurisdiction

(3) Every master has the jurisdiction conferred by the Rules of Civil Procedure. *New.*

Regulations

(4) The Lieutenant Governor in Council may make regulations,

(a) fixing the remuneration of masters;

(b) providing for the benefits to which masters are entitled, including,

(i) leave of absence and vacations,

(ii) sick leave credits and payments in respect of such credits,

(iii) pension benefits for masters and their surviving spouses and children,

and for the transfer or other disposition of benefits in respect thereof to which persons appointed as masters were entitled under the *Public Service Act* or the *Public Service Superannuation Act* at the time of their appointment. R.S.O. 1980, c. 223, s. 100 (1).

R.S.O. 1980,
cc. 418, 419

Contributions

(5) Regulations made under clause (4) (b) may require masters to contribute from their salaries part of the cost of benefits and may fix the amount of the contributions.

Application
of R.S.O.
1980, c. 419

(6) A regulation made under clause (4) (b) may modify or exclude the application of the *Public Service Superannuation Act*.

Application
of s. (4) (b)

(7) A regulation made under clause (4) (b) may be general or particular in its application. 1983, c. 78, s. 1.

(8) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint a master as Senior Master.

Senior Master

(9) The Senior Master has general supervision and direction over the sittings of the masters and the assignment of their judicial duties.

Duties

(10) The Attorney General may designate a master to act in the place of the Senior Master for all purposes during his or her absence or inability to act. R.S.O. 1980, c. 223, s. 99.

Temporary appointments

(11) Sections 53 to 60 and section 65 apply with necessary modifications to masters and the Senior Master in the same manner as to provincial judges and a chief judge, respectively. R.S.O. 1980, c. 223, ss. 96 (2-4), 97, 98, 100 (2, 3).

Application of ss. 54-61, 66

21.—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint a Registrar of the Supreme Court of Ontario.

Registrar

(2) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint a local registrar of the Supreme Court for each county and district and additional local registrars for such counties and districts as are indicated in the appointment. *New.*

Local registrars

(3) With the approval of the Attorney General, every local registrar may appoint in writing a deputy local registrar who may exercise and perform all the powers and duties of the local registrar. R.S.O. 1980, c. 223, s. 85.

Deputy local registrars

22.—(1) The Accountant of the Supreme Court is continued as a corporation sole by the name of "Accountant of the Supreme Court of Ontario".

Accountant

(2) The Lieutenant Governor in Council may appoint the Accountant of the Supreme Court.

Appointment

(3) Money paid into the Supreme Court shall be paid to the Accountant and such money and securities in which the money is invested are vested in the Accountant. R.S.O. 1980, c. 223, s. 110 (1, 2).

Money vested in Accountant

(4) Mortgages and other securities taken under an order of the Supreme Court and instruments taken as security in respect of a proceeding in the Supreme Court shall be taken in the name of the Accountant and shall be deposited in his or her office, except where an order provides otherwise.

Security held by Accountant

Idem

(5) Subject to an order of the court, the Accountant has no duty or obligation in respect of the instruments deposited under subsection (4) except as custodian of the instruments. *New.*

Audit by
Provincial
Auditor

(6) The Provincial Auditor shall examine and report on the accounts and financial transactions of the Accountant. R.S.O. 1980, c. 223, s. 115.

Finance
committee

23.—(1) The finance committee is continued and shall be composed of three persons appointed by the Lieutenant Governor in Council.

Management
of court
funds

(2) The finance committee has control and management of the money in the Supreme Court, the investment of the money and the securities in which it is invested.

Investment of
court funds

(3) Money that is available for investment shall be invested in investments in which the Treasurer of Ontario may invest public money under section 3 of the *Financial Administration Act*.

Employment
of trust
company

(4) The finance committee may employ a trust company to make the investments or act as custodian of the securities purchased as investments.

Interest

(5) The finance committee may provide for the payment of interest on money paid into the Supreme Court and may fix the rate of interest so paid.

Reserve
funds

(6) The finance committee may establish such reserve funds as it considers necessary. R.S.O. 1980, c. 223, s. 111.

Other
Officers

24. In addition to the officers specifically provided for in this Act, the Lieutenant Governor in Council on the recommendation of the Attorney General, may appoint such officers of the Supreme Court as are considered necessary. R.S.O. 1980, c. 223, s. 83 (1).

PART II

DISTRICT COURT OF ONTARIO

ORGANIZATION

District
Court

25.—(1) The county and district courts, the courts of general sessions of the peace and the county and district court judges' criminal courts are amalgamated and continued as a single court of record having civil and criminal jurisdiction,

named the District Court of Ontario. R.S.O. 1980, c. 100, s. 2.

(2) The District Court shall be presided over by a judge of the court. R.S.O. 1980, c.100, s. 3. Judge to preside

26.—(1) The District Court shall consist of the Chief Judge of the District Court, who shall be president of the court, the Associate Chief Judge of the District Court, a senior judge for each county or district designated under clause (2) (b) and such number of other judges as is fixed under clause (2) (a). Judges

(2) The Lieutenant Governor in Council may make regulations, Regulations

- (a) fixing the number of judges of the court who are in addition to the Chief Judge, Associate Chief Judge and senior judges, but where the number is reduced by regulation, the reduction shall not be applied to affect appointments existing at the time of the reduction;
- (b) designating counties and districts to which more than one judge shall be assigned; and
- (c) establishing regions for the purposes of this Part. R.S.O. 1980, c. 101, ss. 1-4, 15, 16 (1).

(3) A judge of a county or district court may preside as a judge of the District Court. County or district judges presiding in District Court

(4) Nothing in this Part affects the rights or privileges of a judge who was appointed as a judge of a county or district court before this Part comes into force. *New.* Rights and privileges of judges preserved

27.—(1) The Chief Judge of the District Court has general supervision and direction over the sittings of the court and the assignment of the judicial duties of the court. R.S.O. 1980, c. 101, s. 16 (4). Chief Judge

(2) At least one judge of the District Court shall be assigned by the Chief Judge to each county and district. *New.* Assignment of judges

(3) For the purposes of arranging the sittings of the District Court and considering matters relating to the court and the judges, the Chief Judge shall convene a meeting of the judges Annual meeting in regions

of each region at least once in every year. R.S.O. 1980, c. 101, s. 16 (5).

Absence of
Chief Judge

(4) Where the Chief Judge is absent from Ontario or is for any reason unable to act, all the powers and duties of the Chief Judge shall be exercised and performed by the Associate Chief Judge or, where both are absent or unable to act, by a judge designated by the Chief Judge. R.S.O. 1980, c. 101, s. 16 (3).

Senior judges

28.—(1) The senior judge of a county or district shall, subject to the authority of the Chief Judge, direct and supervise the sittings of the court in the county or district and the assignment of the judicial duties of the court in the county or district. R.S.O. 1980, c. 101, s. 7.

Item

(2) A judge who, on the coming into force of this Part, was a senior judge of a county or district court under subsection 2 (2) of the *County Judges Act*, being chapter 101 of the Revised Statutes of Ontario, 1980, may, subject to the authority of the Chief Judge, direct and supervise the sittings of the District Court in the county or district and the assignment of the judicial duties of the District Court in the county or district. *New*.

Additional
judges

29.—(1) For each of the offices of Chief Judge of the District Court and Associate Chief Judge of the District Court, there shall be such additional offices of judge of the District Court as are from time to time required, to be held by Chief Judges and Associate Chief Judges who have elected under the *Judges Act (Canada)* to perform only the duties of a judge of the District Court. *New*.

R.S.C. 1970,
c. J-1

Super-
numerary
judges

(2) For each office of judge of the District Court, there shall be the additional office of supernumerary judge held by a judge of the court who has elected under the *Judges Act (Canada)* to hold office only as a supernumerary judge of the court. R.S.O. 1980, c. 101, s. 5 (1).

Rank and
precedence

30. The judges of the District Court have rank and precedence as follows:

1. The Chief Judge of the District Court.
2. The Associate Chief Judge of the District Court.
3. The other judges of the District Court, according to seniority of appointment. R.S.O. 1980, c. 101, s. 6.

31.—(1) A meeting of the judges of the District Court shall be held in Toronto at least once in every year, on a day fixed by the Chief Judge of the District Court, for the purpose of considering this Act, the Rules of Civil Procedure and the administration of justice generally. R.S.O. 1980, c. 101, s. 16 (8).

Annual meeting

(2) The judges shall report their recommendations to the Attorney General. *New.*

Recommendations

JURISDICTION

32.—(1) The District Court has jurisdiction to hear and determine any action except, *Jurisdiction*

- (a) where the sum claimed or the value of the property that is the subject of the action exceeds \$25,000, exclusive of interest and costs; or
- (b) where another court is required by an Act to hear and determine the action.

(2) The District Court does not have jurisdiction to grant *Idem* prerogative remedies. R.S.O. 1980, c. 100, s. 14 (1).

33.—(1) A defendant who disputes the jurisdiction of the District Court on the ground that the monetary limit mentioned in clause 32 (1) (a) has been exceeded shall do so in the statement of defence. *Dispute of monetary jurisdiction*

(2) Where a defendant disputes the monetary jurisdiction of the District Court in accordance with subsection (1), the plaintiff may, within fifteen days after the filing of the statement of defence,

Transfer or abandonment of excess by plaintiff

- (a) on requisition to the local registrar of the District Court, require the action to be transferred to the Supreme Court; or

- (b) abandon the amount of the claim in excess of the monetary limit by serving and filing a notice abandoning the excess, in which case the plaintiff is not entitled to recover the excess in any other proceeding.

(3) Where the plaintiff does not take one of the steps permitted by subsection (2), the defendant may, within thirty days after the filing of the statement of defence,

Transfer by defendant

- (a) where the action includes a claim for money in excess of the monetary limit mentioned in clause 32 (1) (a), on requisition to the local registrar of the District Court, require the action to be transferred to the Supreme Court; or
- (b) in any other case, make a motion to a judge of the High Court for an order transferring the action to the Supreme Court on the ground that the action is beyond the monetary jurisdiction of the District Court.

Jurisdiction
conclusive

(4) Where,

- (a) the monetary jurisdiction of the court is not disputed under subsection (1);
- (b) the plaintiff and the defendant fail to take the steps permitted by subsections (2) and (3); or
- (c) a motion under clause (3) (b) is dismissed,

the District Court has the monetary jurisdiction to hear and determine the action. R.S.O. 1980, c. 100, s. 14 (2-5).

Continuation
in Supreme
Court

(5) An action that is transferred to the Supreme Court under this section shall be titled in the Supreme Court and shall be continued as if it had been commenced in the Supreme Court. R.S.O. 1980, c. 100, s. 16.

Counter-
claims, etc.

(6) This section applies with necessary modifications to a counterclaim, crossclaim, third or subsequent party claim or a defence of set off, in which a claim is made in excess of the monetary limit mentioned in clause 32 (1) (a). R.S.O. 1980, c. 100, s. 15.

Transfer of
all claims in
main action

(7) Where an action is transferred to the Supreme Court under this section, any counterclaim, crossclaim or third or subsequent party claim in the action shall also be transferred unless a judge of the Supreme Court orders otherwise, and where a counterclaim, crossclaim or third or subsequent party claim is transferred to the Supreme Court under this section, the main action and any other counterclaim, crossclaim or third or subsequent party claim in the main action shall also be transferred unless a judge of the Supreme Court orders otherwise. *New.*

Transfer
from
Supreme
Court to
District
Court

34.—(1) An action in the Supreme Court may be transferred to the District Court by the local registrar of the Supreme Court in the county or district where the action was

commenced, upon requisition with the consent of all parties filed before the trial commences.

(2) On motion to a judge of the High Court made before the trial commences, an action in the Supreme Court may be transferred to the District Court where it appears probable that the amount of a judgment in the action will be, or the value of property that is the subject of the action is, within the monetary jurisdiction of the District Court.

Idem, by order

(3) Where an action is transferred to the District Court under this section,

Conduct of transferred proceeding

- (a) the court has the monetary jurisdiction to hear and determine the action; and
- (b) the action shall be titled in the District Court and shall be continued as if it had been commenced in that court. *New.*

35.—(1) With respect to any matter within its jurisdiction, the District Court has the same powers as the Supreme Court to conduct its proceedings, grant remedies and enforce its orders and other process. R.S.O. 1980, c. 100, ss. 20, 26.

Powers of Court

(2) The District Court may punish by fine or imprisonment, or by both, a wilful contempt of or resistance to its process, rules or orders, but the fine shall not in any case exceed \$10,000 nor shall the imprisonment exceed six months. R.S.O. 1980, c. 100, s. 27.

Contempt of Court

36.—(1) An appeal from a final order of a judge of the District Court, except an order referred to in subsection (2), lies to the Court of Appeal. R.S.O. 1980, c. 100, ss. 31, 34.

Appeal to Court of Appeal

(2) An appeal lies to the Divisional Court from a final order of a judge of the District Court,

Appeal to Divisional Court

- (a) for a single payment of not more than \$25,000, exclusive of costs;
- (b) for periodic payments that amount to not more than \$25,000, exclusive of costs, in the twelve months commencing on the date the first payment is due under the order;
- (c) dismissing a claim for an amount that is not more than the amount set out in clause (a) or (b); or

(d) dismissing a claim for an amount that is more than the amount set out in clause (a) or (b) and in respect of which the judge indicates that if the claim had been allowed the amount awarded would have been not more than the amount set out in clause (a) or (b). *New.*

Appeal from
interlocutory
orders

(3) Subject to subsection (4), an appeal from an interlocutory order of a judge of the District Court lies to the High Court. R.S.O. 1980, c. 100, s. 40.

Idem

(4) No appeal lies from an interlocutory order of a judge of the District Court made on an appeal from an interlocutory order of the Provincial Court (Family Division).

Appeal from
assessment of
costs

(5) An appeal from a certificate of assessment of costs issued in a proceeding in the District Court, where the appeal is on an issue in respect of which an objection was served under the Rules of Civil Procedure, lies to the High Court. *New.*

OFFICERS

Local
registrars

37.—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint a local registrar of the District Court for each county and district and additional local registrars for such counties and districts as are indicated in the appointment. R.S.O. 1980, c. 100, s. 4 (1).

Deputy local
registrar

(2) With the approval of the Attorney General, every local registrar of the District Court may appoint in writing a deputy local registrar who may exercise and perform all the powers and duties of the local registrar. R.S.O. 1980, c. 223, s. 85.

PART III

UNIFIED FAMILY COURT

Unified
Family Court

38. The Unified Family Court is continued as a court of record in and for the Judicial District of Hamilton-Wentworth. R.S.O. 1980, c. 515, s. 2.

Jurisdiction
of judges

39.—(1) The Unified Family Court shall be presided over by a judge of the District Court who is a local judge of the High Court and who is authorized under subsection (2) to exercise the jurisdiction of a judge of the Provincial Court (Family Division). R.S.O. 1980, c. 515, s. 3 (1, 6).

Authority for
family court
matters

(2) The Lieutenant Governor in Council may authorize a judge of the District Court who is a local judge of the High

Court to exercise the jurisdiction of a judge of the Provincial Court (Family Division). R.S.O. 1980, c. 515, s. 3 (2, 6).

(3) All the jurisdiction of the Supreme Court or a judge thereof under the statutory provisions set out in the Schedule to this Part, other than by way of appeal, may be exercised by a local judge of the High Court who is a judge who may preside over the Unified Family Court. R.S.O. 1980, c. 515, s. 3 (3); 1982, c. 21, s. 1.

(4) A judge who may preside over the Unified Family Court shall exercise his or her jurisdiction as a local judge of the High Court, a judge of the District Court, or a judge of the Provincial Court (Family Division) in the matters in which the Supreme Court, the District Court, or the Provincial Court (Family Division) or a judge thereof has jurisdiction under the statutory provisions set out in the Schedule to this Part. R.S.O. 1980, c. 515, s. 3 (4, 6).

40.—(1) Proceedings taken in a court in the Judicial District of Hamilton-Wentworth under the statutory provisions set out in the Schedule to this Part, other than by way of appeal, shall be commenced and titled in the Unified Family Court and the jurisdiction of the court shall be exercised in the Unified Family Court. R.S.O. 1980, c. 515, s. 4 (1).

(2) A motion for interim relief under the *Divorce Act* (Canada), the *Family Law Reform Act* or the *Children's Law Reform Act* in a proceeding in the Supreme Court or District Court that is required or permitted by the Rules of Civil Procedure or an order of the court to be heard in the Judicial District of Hamilton-Wentworth, shall be heard in the Unified Family Court. *New.*

(3) The court has and may exercise the same *parens patriae* powers as the Supreme Court in respect of any matter before it. R.S.O. 1980, c. 515, s. 4 (3).

(4) All proceedings commenced in or transferred to the Unified Family Court shall be heard and determined without a jury. R.S.O. 1980, c. 515, s. 7 (2).

41. Where a proceeding is commenced in the Unified Family Court in a matter over which jurisdiction may be exercised in the Unified Family Court and is combined with a related matter in the jurisdiction of the judge but respecting which jurisdiction may not be exercised in the Unified Family Court, the court may, with leave of the judge and the consent of the parties, hear and determine the combined matters. R.S.O. 1980, c. 515, s. 5.

Jurisdiction
of local
judge of
High Court

Exercise of
existing
jurisdiction

Proceedings
in Unified
Family Court

Idem
R.S.C. 1970,
c. D-8;
R.S.O. 1980,
cc. 152, 68

*Parens
patriae*
powers

No jury

Consent to
jurisdiction

Orders of
predecessor
court
R.S.O. 1980,
c. 152

42.—(1) The Unified Family Court may hear and determine an application under the *Family Law Reform Act* to discharge, vary or suspend an order made by the Provincial Court (Family Division) of the Judicial District of Hamilton-Wentworth. R.S.O. 1980, c. 515, s. 6 (1).

Enforcement

(2) The Unified Family Court may enforce orders made by the Provincial Court (Family Division) of the Judicial District of Hamilton-Wentworth. R.S.O. 1980, c. 515, s. 23 (3).

Powers

43.—(1) In all proceedings in which jurisdiction may be exercised in the Unified Family Court, the court has the same powers as the Supreme Court to conduct its proceedings, grant remedies and enforce its orders and other process. R.S.O. 1980, c. 515, s. 8 (1).

Contempt

(2) The Unified Family Court may punish by fine or imprisonment, or by both, any wilful contempt of or resistance to its process, rules or orders, or to an order of the Supreme Court or the County Court of the Judicial District of Hamilton-Wentworth made before the 1st day of July, 1977 in a matter that is in the jurisdiction of the Unified Family Court, but the fine shall not in any case exceed \$10,000 nor shall the imprisonment exceed six months. R.S.O. 1980, c. 515, s. 12 (1); 1982, c. 21, s. 5.

Application
of R.S.O.
1980, c. 103,
s. 4 (3)

(3) Subsection 4 (3) of the *Creditors' Relief Act* applies to a garnishment issued by the Unified Family Court. 1982, c. 21, s. 3 (2).

Place where
proceedings
commenced

44.—(1) Subject to subsection (2), proceedings referred to in subsection 40 (1) may be commenced in the Unified Family Court where the applicant or the respondent resides in the Judicial District of Hamilton-Wentworth. R.S.O. 1980, c. 515, s. 9 (1); 1982, c. 21, s. 4 (1).

Idem,
custody or
access
R.S.O. 1980,
c. 68

(2) An application under Part III of the *Children's Law Reform Act* in respect of a child who ordinarily resides in the Judicial District of Hamilton-Wentworth may be commenced in the Unified Family Court. 1982, c. 21, s. 4 (2).

Transfer to
other court

(3) A judge who may preside over the Unified Family Court may, upon motion, order that a proceeding commenced in the Unified Family Court be transferred to the appropriate court in a place where there is no Unified Family Court where, in the opinion of the judge, there is a preponderance of convenience for the matter to be dealt with by that court.

Transfer
from other
court

(4) A judge of a court having jurisdiction in a proceeding referred to in subsection 40 (1) in a county or district other

than the Judicial District of Hamilton-Wentworth may, upon motion, order that the proceeding be transferred to the Unified Family Court where, in the opinion of the judge, there is a preponderance of convenience for the matter to be dealt with by that court.

(5) A judge making an order under subsection (3) or (4) may give such directions for the transfer as are considered just. R.S.O. 1980, c. 515, s. 9 (2-4).

Directions

45. An order of a judge presiding over the Unified Family Court made in the exercise of his or her jurisdiction as a local judge of the High Court or a judge of the District Court is an order of the Supreme Court or the District Court, respectively, for all purposes. R.S.O. 1980, c. 515, s. 14.

Status of orders

46.—(1) Subject to subsections (2) and (3), a provision for an appeal from an order made under the statutory provisions set out in the Schedule to this Part applies to the order when made in the exercise of the jurisdiction by a judge presiding over the Unified Family Court. R.S.O. 1980, c. 515, s. 15 (1).

Appeals

(2) Where an order made by the Unified Family Court under a statutory provision set out in the Schedule to this Part is within the jurisdiction of the Supreme Court or the District Court outside the Judicial District of Hamilton-Wentworth, the order shall, for the purposes of an appeal, be deemed to have been made by a judge of the High Court. *New.*

Idem

(3) A provision for an appeal to the District Court or a judge thereof from an order that is made by the Unified Family Court under the statutory provisions set out in the Schedule to this Part shall be deemed to provide for an appeal to the High Court.

Idem

(4) Where no provision is made for an appeal from an order of a judge presiding over the Unified Family Court, an appeal lies,

Idem

(a) to the Court of Appeal from a final order, except an order referred to in clause (b);

(b) to the Divisional Court from a final order,

(i) for a single payment of not more than \$25,000, exclusive of costs,

(ii) for periodic payments that amount to not more than \$25,000, exclusive of costs, in the

twelve months commencing on the date the first payment is due under the order,

- (iii) dismissing a claim for an amount that is not more than the amount set out in subclause (i) or (ii), or
 - (iv) dismissing a claim for an amount that is more than the amount set out in subclause (i) or (ii) and in respect of which the judge indicates that if the claim had been allowed the amount awarded would have been not more than the amount set out in subclause (i) or (ii); or
 - (c) to the High Court from an interlocutory order.
- R.S.O. 1980, c. 515, s. 15 (2, 3).

Criminal jurisdiction
R.S.C. 1970,
c. C-34

R.S.O. 1980,
c. 400

S.C. 1980-
81-82-83,
c. 110

Repeal of
s. (1) (b)

Clerk
R.S.O. 1980,
c. 418

Idem

Conciliation service

Regulations

47.—(1) A judge presiding over the Unified Family Court has all the powers of a magistrate under the *Criminal Code* (Canada) for the purposes of proceedings under the *Criminal Code* (Canada) and the Unified Family Court,

- (a) shall be deemed to be and shall sit as the Provincial Offences Court for the purpose of dealing with young persons as defined in the *Provincial Offences Act*; and
- (b) is a youth court for the purposes of the *Young Offenders Act* (Canada). R.S.O. 1980, c. 515, s. 17; 1983, c. 80, s. 3; 1983, c. 86, s. 1.

(2) Clause (1) (b) is repealed on the 1st day of April, 1985. 1983, c. 86, s. 2.

48.—(1) A clerk of the Unified Family Court shall be appointed for the court under the *Public Service Act*. R.S.O. 1980, c. 515, s. 17.

(2) The clerk of the Unified Family Court is the clerk of that court sitting as the Provincial Offences Court. 1983, c. 80, s. 2 (4).

49. A conciliation service may be established, maintained and operated as part of the Unified Family Court. R.S.O. 1980, c. 515, s. 18.

50. The Lieutenant Governor in Council may make regulations,

- (a) specifying the returns to be made by the Unified Family Court;
- (b) prescribing the functions of and providing for a conciliation service under this Part;
- (c) prescribing the duties of the officers and employees of the Unified Family Court or of any class of such officers or employees;
- (d) providing for a system of statistical records relating to the Unified Family Court. R.S.O. 1980, c. 515, s. 22.

51.—(1) The Lieutenant Governor in Council may make rules for the Unified Family Court in relation to the practice and procedure of the court and may make rules for the court, even though they alter or conform to the substantive law, in relation to,

Rules

- (a) conduct of proceedings in the court;
- (b) joinder of claims and parties, and representation of parties;
- (c) commencement of proceedings and service of process in or outside Ontario;
- (d) discovery and other forms of disclosure before hearing, including the scope thereof and the admissibility and use of such discovery and disclosure in a proceeding;
- (e) examination of witnesses in or out of court;
- (f) duties of clerks and other officers;
- (g) references of proceedings or issues in a proceeding and the powers of a person conducting a reference;
- (h) costs of proceedings;
- (i) enforcement of orders and process;
- (j) payment into and out of court;
- (k) any matter that is referred to in an Act as provided for by rules of court.

Idem

(2) Nothing in subsection (1) authorizes the making of rules that conflict with an Act, but rules may be made under subsection (1) supplementing the provisions of an Act in respect of practice and procedure. R.S.O. 1980, c. 515, s. 21.

(3) The Rules of Civil Procedure and the rules of the Provincial Court (Family Division) do not apply to proceedings in the Unified Family Court. *New.*

SCHEDULE

Jurisdiction under the following statutory provisions:	
Statutes	Provisions
Annulment of Marriages Act (Ontario) (Canada)	All
Child Welfare Act	Parts II, III and IV
Children's Law Reform Act	All, Except Sections 60 and 61
Children's Residential Services Act	Subs. 18 (1) except Cl. (a) and (b)
Divorce Act (Canada)	All
Education Act	Sections 29 and 30
Family Law Reform Act	All, except Part V
Marriage Act	Sections 6 and 9
Minors' Protection Act	Section 2
Reciprocal Enforcement of Maintenance Orders Act, 1982	All
Training Schools Act	Section 8
Young Offenders Act (Canada)	All

R.S.O. 1980, c. 515, Sched.; 1982, c. 20, s. 5.

PART IV

PROVINCIAL COURTS

JUDGES

Appointment
of judges

52.—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint such provincial judges as are considered necessary. R.S.O. 1980, c. 398, s. 2.

Qualifications

(2) No person shall be appointed as a provincial judge unless he or she has been a member of the bar of one of the provinces of Canada for at least ten years. *New.*

53.—(1) A provincial judge shall devote his or her whole time to the performance of his or her duties as a judge, except as authorized by the Lieutenant Governor in Council.

Other employment

(2) Notwithstanding subsection (1), a provincial judge who, before the coming into force of this Part, had the consent of the Attorney General to act as an arbitrator or conciliator may continue to so act. R.S.O. 1980, c. 398, s. 12.

Idem

54.—(1) Every provincial judge shall retire upon attaining the age of sixty-five years.

Retirement

(2) Notwithstanding subsection (1), a provincial judge appointed as a full-time magistrate, judge of a juvenile and family court or master after the 1st day of July, 1941 and before the 2nd day of December, 1968 shall retire upon attaining the age of seventy years.

Idem

(3) Notwithstanding subsection (1), a provincial judge appointed as a full-time magistrate on or before the 1st day of July, 1941 shall retire upon attaining the age of seventy-five years. R.S.O. 1980, c. 398, s. 5 (1-3).

Idem

(4) A judge who has attained the age for retirement under subsection (1) may, subject to the annual approval of the Chief Judge, continue in office as a full-time or part-time judge until he or she attains the age of seventy years, and a judge who has attained the age of seventy years may, subject to the annual approval of the Judicial Council, continue in office as a full-time or part-time judge until he or she has attained the age of seventy-five years.

Continuation of judges in office

(5) An associate chief judge or senior judge who is in office upon attaining the age for retirement under subsection (1) may, subject to the annual approval of the Chief Judge, continue in that office until he or she has attained the age of seventy years and an associate chief judge or senior judge who has attained the age of seventy years may, subject to the annual approval of the Judicial Council, continue in that office until he or she has attained the age of seventy-five years.

Continuation of associate chief judge and senior judges in office

(6) A chief judge who is in office upon attaining the age for retirement under subsection (1) or (2) may, subject to the annual approval of the Judicial Council, continue in that office until he or she has attained the age of seventy-five years. R.S.O. 1980, c. 398, s. 5 (4, 5, 6); 1983, c. 18, s. 1.

Continuation of chief judge in office

55. A provincial judge may at any time resign from his or her office in writing, signed by the judge and delivered to the Lieutenant Governor. R.S.O. 1980, c. 398, s. 6.

Resignation

Removal for cause

56.—(1) A provincial judge may be removed from office before attaining retirement age only if,

- (a) a complaint regarding the judge has been made to the Judicial Council; and
- (b) the removal is recommended by an inquiry held under section 61 on the ground that the judge has become incapacitated or disabled from the due execution of his or her office by reason of,
 - (i) infirmity,
 - (ii) conduct that is incompatible with the execution of his or her office, or
 - (iii) having failed to perform the duties of his or her office. R.S.O. 1980, c. 398, s. 4 (1).

Order for removal

(2) An order removing a provincial judge from office under this section may be made by the Lieutenant Governor on the address of the Legislative Assembly. R.S.O. 1980, c. 398, s. 4 (3).

Judicial Council

57.—(1) The Judicial Council for Provincial Judges is continued and shall be composed of,

- (a) the Chief Justice of Ontario, who shall preside over the Judicial Council;
- (b) the Chief Justice of the High Court;
- (c) the Chief Judge of the District Court;
- (d) the Chief Judge of the Provincial Court (Criminal Division);
- (e) the Chief Judge of the Provincial Court (Family Division);
- (f) the Chief Judge of the Provincial Court (Civil Division);
- (g) the Treasurer of The Law Society of Upper Canada; and
- (h) not more than two other persons appointed by the Lieutenant Governor in Council. R.S.O. 1980, c. 398, s. 7 (1).

(2) Where the Judicial Council is considering any matter relating to a master, the Senior Master is entitled to be present and participate as a member of the Council. *New.*

(3) A majority of members of the Judicial Council constitutes a quorum and is sufficient for the exercise of all the jurisdiction and powers of the Judicial Council.

(4) Such officers and employees of the Judicial Council as are considered necessary may be appointed under the *Public Service Act.* R.S.O. 1980, c. 398, s. 7 (2, 3).

(5) The Judicial Council may engage persons, including counsel, to assist it in its investigations. *New.*

58.—(1) The functions of the Judicial Council are,

- (a) to consider all proposed appointments of provincial judges and make a report thereon to the Attorney General;
- (b) to receive and investigate complaints against provincial judges. R.S.O. 1980, c. 398, s. 8 (1).

(2) No action or other proceeding for damages shall be instituted against the Judicial Council or any member or officer thereof or any person acting under its authority for any act done in good faith in the execution or intended execution of its or his or her duty. R.S.O. 1980, c. 398, s. 8 (6).

59.—(1) Where the Judicial Council receives a complaint against a provincial judge, it shall take such action to investigate the complaint as it considers advisable. R.S.O. 1980, c. 398, s. 8 (1) (c).

(2) The Judicial Council may transmit such complaints as it considers appropriate to the Chief Judge of the Provincial Court (Criminal Division), the Chief Judge of the Provincial Court (Family Division), the Chief Judge of the Provincial Court (Civil Division) or the Senior Master, as it considers appropriate. R.S.O. 1980, c. 398, s. 8 (2).

(3) The proceedings of the Judicial Council shall not be public, but it may inform the Attorney General respecting matters that it has investigated and the Attorney General may make public the fact that an investigation has been undertaken. R.S.O. 1980, c. 398, s. 8 (4).

Senior Master

Quorum

Staff

R.S.O. 1980,
c. 418

Expert assistance

Functions

Liability for damages

Investigation of complaints

Referral to Chief Judges

Proceedings not public

Prohibiting publication

(4) The Judicial Council may order that information or documents relating to its proceedings not be published or disclosed except as required by law. *New.*

Powers

R.S.O. 1980,
c. 411

(5) The Judicial Council has all the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to the investigation as if it were an inquiry under that Act. R.S.O. 1980, c. 398, s. 8 (5).

Notice of disposition

(6) Where the Judicial Council has dealt with a complaint regarding a provincial judge, it shall inform,

(a) the person who made the complaint; and

(b) where the complaint was brought to the attention of the judge, the judge,

of its disposition of the complaint. *New.*

Report and recommendations

(7) The Judicial Council may report its opinion regarding the complaint to the Attorney General and may recommend,

(a) that an inquiry be held under section 60;

(b) that the judge be compensated for all or part of the costs incurred by the judge relating to the investigation. R.S.O. 1980, c. 398, s. 8 (3).

Copy to judge

(8) A copy of a report made under subsection (7) shall be given to the judge.

Right to be heard

(9) The Judicial Council shall not make a report under subsection (7) unless the judge was notified of the investigation and given an opportunity to be heard and to produce evidence on his or her behalf.

Publication of report

(10) Where the Judicial Council makes a report to the Attorney General under subsection (7), the Attorney General may make all or part of the report public, if he or she is of the opinion that it is in the public interest to do so. *New.*

Inquiry

60.—(1) The Lieutenant Governor in Council may appoint a judge of the Supreme Court to inquire into the question whether a provincial judge should be removed from office.

Powers

(2) The *Public Inquiries Act* applies to an inquiry under subsection (1). R.S.O. 1980, c. 398, s. 4 (2).

Report

(3) The report of the inquiry may recommend,

- (a) that the judge be removed from office;
- (b) that the judge be compensated for all or part of the costs incurred by the judge relating to the inquiry. *New.*

(4) The report of the inquiry shall be laid before the Legislative Assembly if it is in session or, if not, within fifteen days of the commencement of the next ensuing session. R.S.O. 1980, c. 398, s. 4 (3).

Tabling of report

61.—(1) Every provincial judge has jurisdiction throughout Ontario and,

Jurisdiction of judges

- (a) shall exercise all the powers and perform all the duties conferred or imposed on a provincial judge by or under any Act of the Legislature or of the Parliament of Canada;
- (b) subject to subsection (2), may exercise all the powers and perform all the duties conferred or imposed on a magistrate, provincial magistrate or one or more justices of the peace under any Act of the Parliament of Canada. R.S.O. 1980, c. 398, s. 9 (1) (a, c).

(2) A provincial judge shall not exercise the jurisdiction conferred on a magistrate under Part XVI of the *Criminal Code* (Canada) unless,

Idem
R.S.C. 1970,
c. C-34

- (a) he or she has been a member of the bar of one of the provinces of Canada; or
- (b) he or she has acted as a provincial judge for a period of five years,

and the judge is so designated by the Lieutenant Governor in Council. R.S.O. 1980, c. 398, s. 9 (3).

(3) Every provincial judge is a justice of the peace and commissioner for taking affidavits. R.S.O. 1980, c. 398, s. 9 (1) (d).

Idem

62. Jurisdiction conferred on a provincial judge, justice of the peace or provincial court shall, in the absence of express provision for procedures therefor in any Act, regulation or rule, be exercised in any manner consistent with the due administration of justice. R.S.O. 1980, c. 398, s. 9 (2).

Where procedures not provided

Chief Judges

63.—(1) The Lieutenant Governor in Council may appoint a provincial judge as Chief Judge of the Provincial Court (Criminal Division), a provincial judge as Chief Judge of the Provincial Court (Family Division) and a provincial judge as Chief Judge of the Provincial Court (Civil Division).

Chief Judge of Provincial Offences Court

(2) The Chief Judge of the Provincial Court (Criminal Division) is Chief Judge of the Provincial Offences Court. R.S.O. 1980, c. 398, s. 10 (1, 2).

Idem

(3) The Chief Judge of the Provincial Court (Family Division) is the Chief Judge of the Provincial Court (Family Division) sitting as the Provincial Offences Court.

Idem

(4) Subsection (2) does not apply to the Unified Family Court sitting as the Provincial Offences Court. 1983, c. 80, s. 2 (1).

Duties of Chief Judge

(5) Each Chief Judge has general supervision and direction over the sittings of his or her court and the assignment of the judicial duties of the court except that in counties and districts where the Provincial Court (Civil Division) is presided over by a judge of the District Court, the Chief Judge of the District Court and, subject to the authority of the Chief Judge, the senior judge of the District Court in that county or district has general supervision and direction over the sittings of the court and the assignment of the judicial duties of the court.

Associate Chief Judge

(6) The Lieutenant Governor in Council may appoint a provincial judge as Associate Chief Judge of the Provincial Court (Criminal Division) and a provincial judge as Associate Chief Judge of the Provincial Court (Family Division). R.S.O. 1980, c. 398, s. 10 (3, 4).

Absence of Chief Judge

(7) Where the Chief Judge is absent from Ontario or is for any reason unable to act, all the powers and duties of the Chief Judge shall be exercised and performed by the Associate Chief Judge or, where both are absent or unable to act, by a judge designated by the Chief Judge. *New.*

Senior judges

64.—(1) The Lieutenant Governor in Council may designate a provincial judge to be a senior judge of the Provincial Court (Criminal Division), Provincial Court (Family Division) or Provincial Court (Civil Division), for such area as is named in the designation. R.S.O. 1980, c. 398, s. 11.

Duties

(2) A senior judge shall, subject to the authority of the chief judge, direct and supervise the sittings and the assignment of the judicial duties of the court in the area. *New.*

65. A chief judge, associate chief judge or senior judge who has,

Election to
revert to
office of
judge

- (a) continued in one or more of those offices for at least five years; or
- (b) continued in office after attaining the age for retirement,

may elect by notice to the Attorney General to cease to perform the duties of that office and to assume the office of a provincial judge only. *New.*

PROVINCIAL COURT (CRIMINAL DIVISION)

66.—(1) The provincial courts (criminal division) for the counties and districts are amalgamated and continued as a single court of record named the Provincial Court (Criminal Division).

Provincial
Court
(Criminal
Division)

(2) The Provincial Court (Criminal Division) shall be presided over by a provincial judge. R.S.O. 1980, c. 398, s. 14.

Judge to
preside

67. A provincial judge shall exercise the powers and perform the duties vested in him or her as a magistrate, provincial magistrate or one or more justices of the peace under section 62 sitting in the Provincial Court (Criminal Division). R.S.O. 1980, c. 398, s. 15.

Exercise of
criminal
jurisdiction

PROVINCIAL OFFENCES COURT

68.—(1) The provincial offences courts for the counties and districts are amalgamated and continued as a single court of record named the Provincial Offences Court.

Provincial
Offences
Court

(2) The Provincial Offences Court shall be presided over by a provincial judge or justice of the peace. R.S.O. 1980, c. 398, s. 18 (1).

Judge or
justice of the
peace to
preside

69. The Provincial Offences Court shall perform any function assigned to it by or under the *Provincial Offences Act* or any other Act. R.S.O. 1980, c. 398, s. 18 (2).

Jurisdiction
R.S.O. 1980,
c. 400

70.—(1) A proceeding in the Provincial Offences Court against a young person as defined in the *Provincial Offences Act* shall be conducted in the Provincial Court (Family Division) or, in the Judicial District of Hamilton-Wentworth, in the Unified Family Court, sitting as the Provincial Offences Court. 1983, c. 80, s. 2 (2).

Sittings:
young
persons

- Joint sittings** (2) Where a proceeding in which the Provincial Offences Court has jurisdiction is conducted during the course of a sitting of the Provincial Court (Criminal Division) or Provincial Court (Family Division), the proceeding shall be deemed to be conducted in the Provincial Offences Court. R.S.O. 1980, c. 398, s. 19 (2).
- Contempt** **71.**—(1) Except as otherwise provided by an Act, every person who commits contempt in the face of the Provincial Offences Court is on conviction liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than thirty days, or to both.
- Statement to offender** (2) Before proceedings are taken for contempt under subsection (1), the court shall inform the offender of the conduct complained of and the nature of the contempt and inform him or her of the right to show cause why he or she should not be punished.
- Show cause** (3) A punishment for contempt in the face of the court shall not be imposed without giving the offender an opportunity to show cause why he or she should not be punished.
- Adjournment for adjudication** (4) Except where, in the opinion of the court, it is necessary to deal with the contempt immediately for the preservation of order and control in the courtroom, the court shall adjourn the contempt proceeding to another day.
- Adjudication by judge** (5) Where a contempt proceeding is adjourned to another day under subsection (4), the contempt proceeding shall be heard and determined by the court presided over by a provincial judge.
- Arrest for immediate adjudication** (6) Where the court proceeds to deal with a contempt immediately and without adjournment under subsection (4), the court may order the offender arrested and detained in the courtroom for the purpose of the hearing and determination.
- Barring agent in contempt** (7) Where the offender is appearing before the court as an agent who is not a barrister and solicitor entitled to practise in Ontario, the court may order that he or she be barred from acting as agent in the proceeding in addition to any other punishment to which he or she is liable.
- Appeals** (8) An order of punishment for contempt under this section is appealable in the same manner as if it were a conviction in proceedings commenced by certificate under Part I of the *Provincial Offences Act*.

(9) The *Provincial Offences Act* applies for the purpose of enforcing a punishment by way of a fine or imprisonment under this section. R.S.O. 1980, c. 398, s. 20.

Enforcement
R.S.O. 1980,
c. 400

72. Any person who knowingly disturbs or interferes with the proceedings of the Provincial Offences Court, without reasonable justification, while outside the courtroom is guilty of an offence and on conviction is liable to a fine of not more than \$1,000 or to imprisonment for a term of not more than thirty days, or to both. R.S.O. 1980, c. 398, s. 21.

Penalty for
disturbance
outside
courtroom

73.—(1) There shall be a Rules Committee of the Provincial Offences Court composed of such members as are appointed by the Lieutenant Governor in Council who shall designate one of the members to preside over the Committee.

Rules
Committee

(2) A majority of the members of the Rules Committee constitutes a quorum. *New.*

Quorum

(3) Subject to the approval of the Lieutenant Governor in Council, the Rules Committee of the Provincial Offences Court may make rules,

Rules

- (a) regulating any matters relating to the practice and procedure of the Provincial Offences Court;
- (b) prescribing forms respecting proceedings in the court;
- (c) regulating the duties of the clerks and employees of the court;
- (d) prescribing and regulating the procedures under any Act that confers jurisdiction on the Provincial Offences Court or a judge or justice of the peace sitting therein;
- (e) prescribing any matter that is referred to in an Act as provided for by the rules of the Provincial Offences Court. R.S.O. 1980, c. 398, s. 22.

PROVINCIAL COURT (FAMILY DIVISION)

74.—(1) The provincial courts (family division) for the counties and districts are amalgamated and continued as a single court of record named the Provincial Court (Family Division).

Provincial
Court
(Family
Division)

Judge to preside

(2) The Provincial Court (Family Division) shall be presided over by a provincial judge. R.S.O. 1980, c. 398, s. 23 (1).

Jurisdiction

75.—(1) The Provincial Court (Family Division),

R.S.O. 1980, c. 400

(a) shall be deemed to be and shall sit as the Provincial Offences Court for the purpose of dealing with young persons as defined in the *Provincial Offences Act*;

S.C. 1980-81-82-83, c. 110

(b) is a youth court for the purposes of the *Young Offenders Act* (Canada); and

R.S.O. 1980, cc. 152, 68, 66

(c) shall perform any function assigned to it by or under the *Family Law Reform Act*, the *Children's Law Reform Act*, the *Child Welfare Act* or any other Act. R.S.O. 1980, c. 398, s. 23 (2); 1983, c. 80, s. 2 (3); 1983, c. 85, s. 1.

Repeal of s. (1) (b)

(2) Clause (1) (b) is repealed on the 1st day of April, 1985. 1983, c. 85, s. 2.

Rules Committee

76.—(1) The rules committee of the provincial courts (family division) is continued as the Rules Committee of the Provincial Court (Family Division) and shall be composed of such members as are appointed by the Lieutenant Governor in Council who shall designate one of the members to preside over the committee.

Quorum

(2) A majority of the members of the Rules Committee constitutes a quorum.

Rules

(3) Subject to the approval of the Lieutenant Governor in Council, the Rules Committee of the Provincial Court (Family Division) may make rules in relation to the practice and procedure of the court and may make rules for the court, even though they alter or conform to the substantive law, in relation to,

- (a) conduct of proceedings in the court;
- (b) joinder of claims and parties and representation of parties;
- (c) commencement of proceedings and service of process in or outside Ontario;
- (d) discovery and other forms of disclosure before hearing, including the scope thereof and the admissibility

ity and use of such discovery and disclosure in a proceeding;

- (e) examination of witnesses in or out of court;
- (f) duties of clerks and other officers;
- (g) costs of proceedings;
- (h) enforcement of orders and process;
- (i) payment into and out of court;
- (j) any matter that is referred to in an Act as provided for by rules of court.

(4) Nothing in subsection (3) authorizes the making of rules that conflict with an Act, but rules may be made under subsection (3) supplementing the provisions of an Act in respect of practice and procedure. R.S.O. 1980, c. 398, s. 32. Idem

PROVINCIAL COURT (CIVIL DIVISION)

77.—(1) The small claims courts and the Provincial Court (Civil Division) are amalgamated and continued as a single court of record named the Provincial Court (Civil Division) and may also be known as the Small Claims Court. Provincial Court (Civil Division)

(2) The Provincial Court (Civil Division) shall be presided over by, Judges to preside

- (a) a provincial judge; or
- (b) a judge of the District Court.

(3) A judge of the District Court or the Chief Judge of the Provincial Court (Civil Division) may, with the approval of the Attorney General, appoint a barrister and solicitor to act as a deputy judge of the Provincial Court (Civil Division), and the person so appointed may preside over the court in actions for not more than \$1,000. R.S.O. 1980, c. 476, ss. 3, 6, 14, 15. Deputy judges

78.—(1) The Provincial Court (Civil Division),

Jurisdiction

- (a) has jurisdiction in any action for the payment of money where the amount claimed does not exceed \$1,000 exclusive of interest and costs;

(b) has jurisdiction in any action for the recovery of possession of personal property where the value of the property does not exceed \$1,000; and

(c) shall perform any function assigned to it by or under an Act. R.S.O. 1980, c. 476, s. 55.

Idem

(2) In the Judicial District of York and in such other areas as are designated under clause 87 (f), the maximum claim or value of \$1,000 set out in subsection (1) shall be \$3,000 in each instance and not as set out therein. R.S.O. 1980, c. 397, s. 6 (1).

Summary hearings

(3) The Provincial Court (Civil Division) shall hear and determine in a summary way all questions of law and fact and may make such order as is considered just and agreeable to good conscience. R.S.O. 1980, c. 476, s. 57.

Representation

79. A party may be represented in a proceeding in the Provincial Court (Civil Division) by counsel or an agent but the court may exclude from a hearing anyone, other than a barrister and solicitor qualified to practise in Ontario, appearing as an agent on behalf of a party if it finds that such person is not competent properly to represent the party or does not understand and comply at the hearing with the duties and responsibilities of an advocate. R.S.O. 1980, c. 476, s. 100.

Evidence

80.—(1) Subject to subsections (2) and (3), the Provincial Court (Civil Division) may admit as evidence at a hearing, whether or not given or proven under oath or affirmation or admissible as evidence in any other court,

(a) any oral testimony; and

(b) any document or other thing,

relevant to the subject-matter of the proceeding and may act on such evidence, but the court may exclude anything unduly repetitious.

Idem

(2) Nothing is admissible in evidence at a hearing,

(a) that would be inadmissible by reason of any privilege under the law of evidence; or

(b) that is inadmissible by any Act.

Conflicts

(3) Nothing in subsection (1) overrides the provisions of any Act expressly limiting the extent to or purposes for which any

oral testimony, documents or things may be admitted or used in evidence in any proceedings.

(4) Where the presiding judge is satisfied as to its authenticity, a copy of a document or any other thing may be admitted as evidence at a hearing. R.S.O. 1980, c. 476, s. 98.

Copies

81. The Provincial Court (Civil Division) may order the times and the proportions in which money payable under an order of the court shall be paid. R.S.O. 1980, c. 476, s. 102 (1).

Instalment orders

82. Orders of the Provincial Court (Civil Division) shall be directed to a bailiff appointed under subsection 86 (4) for enforcement, unless otherwise provided by the rules of the Provincial Court (Civil Division). *New.*

Enforcement of orders

83. An appeal lies to the Divisional Court from a final order of the Provincial Court (Civil Division) in an action,

Appeals

- (a) for the payment of money in excess of \$500, excluding costs; or
- (b) for the recovery of possession of personal property exceeding \$500 in value. R.S.O. 1980, c. 476, s. 108.

84.—(1) An action in the Supreme Court or the District Court in which,

Transfer from Supreme or District Court

- (a) the only claim is for the payment of money or the recovery of possession of personal property; and
- (b) the claim is within the jurisdiction of the Provincial Court (Civil Division),

may be transferred to the Provincial Court (Civil Division) by the local registrar of the Supreme Court or District Court in the county or district where the action was commenced, upon requisition with the consent of all parties filed before the trial commences.

(2) An action transferred to the Provincial Court (Civil Division) under subsection (1) shall be titled and continued as if it had been commenced in that court. R.S.O. 1980, c. 397, s. 7 (2); 1982, c. 58, s. 5 (2).

Idem

85.—(1) There shall be a Rules Committee of the Provincial Court (Civil Division) composed of such members as are

Rules Committee

appointed by the Lieutenant Governor in Council who shall designate one of the members to preside over the committee.

- Quorum (2) A majority of the members of the Rules Committee constitutes a quorum.
- Rules (3) Subject to the approval of the Lieutenant Governor in Council, the Rules Committee of the Provincial Court (Civil Division) may make rules in relation to the practice and procedure of the court and may make rules for the court, even though they alter or conform to the substantive law, in relation to,
- (a) conduct of proceedings in the court;
 - (b) joinder of claims and parties, settlement of claims by or against persons under disability, whether or not a proceeding has been commenced in respect of the claim, and representation of parties;
 - (c) commencement of proceedings and service of process in or outside Ontario;
 - (d) disposition of proceedings without a hearing and the effect thereof;
 - (e) pleadings;
 - (f) discovery and other forms of disclosure before hearing, including the scope thereof and the admissibility and use of such discovery and disclosure in a proceeding;
 - (g) examination of witnesses in or out of court;
 - (h) duties of clerks and other officers;
 - (i) motions;
 - (j) preservation of rights of parties pending the outcome of litigation, including sale, recovery of possession or preservation of property;
 - (k) preparation for trial and offers to settle and their legal consequences;
 - (l) the mode and conduct of trials;
 - (m) costs of proceedings;

- (n) enforcement of orders and process;
- (o) payment into and out of court;
- (p) any matter that is referred to in an Act as provided for by rules of court.

(4) Nothing in subsection (3) authorizes the making of rules that conflict with an Act, but rules may be made under subsection (3) supplementing the provisions of an Act in respect of practice and procedure. *New.* Idem

OFFICERS

86.—(1) There shall be such clerks for the Provincial Court (Criminal Division) and the Provincial Court (Family Division) as are considered necessary, appointed under the *Public Service Act.* Clerks

R.S.O. 1980,
c. 418

(2) Each clerk of the Provincial Court (Criminal Division) is a clerk of the Provincial Offences Court. R.S.O. 1980, Idem
c. 398, s. 33.

(3) Each clerk of the Provincial Court (Family Division) is the clerk of that court sitting as the Provincial Offences Court. 1983, c. 80, s. 2 (4). Idem

(4) There shall be a clerk and one or more bailiffs for each division of the Provincial Court (Civil Division) who shall be appointed by the Lieutenant Governor in Council. Clerk and
bailiff of
Provincial
Court (Civil
Division)

(5) The Lieutenant Governor in Council may appoint a referee for a division of the Provincial Court (Civil Division). R.S.O. 1980, c. 476, s. 20; 1983, c. 22, s. 1. Referee

REGULATIONS

87.—(1) The Lieutenant Governor in Council may make regulations, Regulations

- (a) specifying the returns to be made by provincial courts;
- (b) fixing the remuneration of provincial judges;
- (c) providing for the benefits to which provincial judges are entitled, including,
 - (i) leave of absence and vacations,

(ii) sick leave credits and payments in respect of such credits,

(iii) pension benefits for provincial judges and their surviving spouses and children,

and for the transfer or other disposition of benefits in respect thereof to which persons appointed as provincial judges were entitled under the *Public Service Act* or the *Public Service Superannuation Act* at the time of their appointment;

- (d) prescribing the duties of the clerks and employees of provincial courts or of any class of such employees;
- (e) prescribing territorial divisions for the Provincial Court (Civil Division) and the place within each division where the court office shall be located;
- (f) designating areas in which the maximum claim or value of \$1,000 set out in subsection 78 (1) shall be \$3,000 in each instance and not as set out therein;
- (g) providing for the retention of fees by clerks, bailiffs and referees of the Provincial Court (Civil Division) who are not civil servants under the *Public Service Act* and designating areas where clerks, bailiffs and referees of the Provincial Court (Civil Division) may be appointed to a position as a civil servant under that Act;
- (h) providing for a system of statistical records relating to provincial courts. R.S.O. 1980, c. 398, s. 34 (1); R.S.O. 1980, c. 397, s. 9; 1982, c. 58, s. 6 (1) (b).

Contributions

(2) Regulations made under clause (1) (c) may require judges to contribute from their salaries part of the cost of benefits and may fix the amount of the contributions.

**Application
of R.S.O.
1980, c. 419**

(3) A regulation made under clause (1) (c) may modify or exclude the application of the *Public Service Superannuation Act*. 1983, c. 78, s. 2 (1).

**Application
of regulations**

(4) Any regulation made under subsection (1) may be general or particular in its application. R.S.O. 1980, c. 398, s. 34 (2).

88.—(1) There shall be a committee to be known as the Ontario Provincial Courts Committee, composed of three members, of whom,

Ontario
Provincial
Courts
Committee

- (a) one shall be appointed jointly by the Provincial Judges Association (Criminal Division), the Ontario Family Court Judges Association and the Provincial Court Judges Association of Ontario (Civil Division);
- (b) one shall be appointed by the Lieutenant Governor in Council; and
- (c) one, to be the chairman, shall be appointed jointly by the bodies referred to in clauses (a) and (b).

(2) The function of the Ontario Provincial Courts Committee is to inquire into and make recommendations to the Lieutenant Governor in Council respecting any matter relating to the remuneration, allowances and benefits of provincial judges, including the matters referred to in clauses 87 (b) and (c).

Functions

(3) The Ontario Provincial Courts Committee shall make an annual report of its activities to the Lieutenant Governor in Council.

Annual
report

(4) Recommendations of the Committee and its annual report under subsections (2) and (3) shall be laid before the Legislative Assembly if it is in session or, if not, within fifteen days of the commencement of the next ensuing session. 1983, c. 78, s. 2 (2).

Tabling of
recommendations

PART V

RULES OF CIVIL PROCEDURE

89.—(1) The Rules Committee continued under the *Judicature Act*, being chapter 223 of the Revised Statutes of Ontario, 1980, is continued as the Rules Committee of the Supreme and District Courts and shall be composed of,

Rules
Committee

- (a) the Chief Justice of Ontario, the Chief Justice of the High Court, the Associate Chief Justice of Ontario and the Associate Chief Justice of the High Court;
- (b) five judges of the Supreme Court, who shall be appointed by the Chief Justice of Ontario;

- (c) the Chief Judge and Associate Chief Judge of the District Court;
- (d) four judges of the District Court, who shall be appointed by the Chief Judge of the District Court;
- (e) the Attorney General or such law officer of the Crown as the Attorney General may from time to time appoint;
- (f) the Senior Master;
- (g) the Registrar of the Supreme Court;
- (h) a sheriff or a local registrar of the Supreme or District Court, who shall be appointed by the Attorney General;
- (i) five barristers or solicitors, who shall be appointed by the Benchers of The Law Society of Upper Canada in convocation; and
- (j) five other barristers and solicitors, who shall be appointed by the Chief Justice of Ontario.

Idem

(2) The Chief Justice of Ontario shall preside over the Rules Committee but, where the Chief Justice of Ontario is absent or so requests, the Chief Justice of the High Court shall preside.

Idem

(3) The Chief Justice of Ontario and the Chief Justice of the High Court may jointly appoint either the Associate Chief Justice of Ontario or the Associate Chief Justice of the High Court to preside over the Rules Committee at such times as are set out in the appointment.

Tenure of office

(4) Each of the members of the Rules Committee appointed under clause (1) (b), (d), (h), (i) or (j) shall hold office for a period of three years and is eligible for reappointment.

Vacancies

(5) Where a vacancy occurs among the members appointed under clause (1) (b), (d), (h), (i) or (j), a new member similarly qualified may be appointed for the remainder of the unexpired term. R.S.O. 1980, c. 223, s. 116 (1-6).

Quorum

(6) A majority of the members of the Rules Committee constitutes a quorum. R.S.O. 1980, c. 223, s. 116 (7).

90.—(1) Subject to the approval of the Lieutenant Governor in Council, the Rules Committee of the Supreme and District Courts may make rules for the Supreme Court and the District Court in relation to the practice and procedure of the courts and may make rules for such courts, even though they alter or conform to the substantive law, in relation to,

- (a) conduct of proceedings in the courts;
- (b) joinder of claims and parties, settlement of claims by or against persons under disability, whether or not a proceeding has been commenced in respect of the claim, the binding effect of orders and representation of parties;
- (c) commencement of proceedings, representation of parties by solicitors and service of process in or outside Ontario;
- (d) disposition of proceedings without a hearing and the effect thereof;
- (e) pleadings;
- (f) discovery and other forms of disclosure before hearing, including the scope thereof and the admissibility and use of such discovery and disclosure in a proceeding;
- (g) examination of witnesses in or out of court;
- (h) jurisdiction of local judges, including the conferral on local judges of any jurisdiction of the Supreme Court or a judge thereof, including jurisdiction under an Act, but not including the trial of actions;
- (i) jurisdiction of masters, including the conferral on masters of any jurisdiction of the Supreme Court, including jurisdiction under an Act, but not including the trial of actions or jurisdiction conferred by an Act on a judge;
- (j) jurisdiction and duties of officers and hours of business for court offices;
- (k) motions and applications, including the hearing of motions in the absence of the public and prohibiting a party from making motions without leave;

- (l) preservation of rights of parties pending the outcome of litigation, including sale, recovery of possession or preservation of property;
- (m) interpleader;
- (n) preparation for trial and offers to settle and their legal consequences;
- (o) the mode and conduct of trials;
- (p) the appointment by the court of independent experts, their remuneration and the admissibility and use of their reports;
- (q) the discount rate to be used in determining the amount of an award in respect of future pecuniary damages;
- (r) references of proceedings or issues in a proceeding and the powers of a person conducting a reference;
- (s) costs of proceedings, including security for costs and a solicitor's liability for or disentitlement to costs;
- (t) enforcement of orders and process or obligations under the rules;
- (u) the time for and procedure on appeals and stays pending appeal;
- (v) payment into and out of court;
- (w) any matter that is referred to in an Act as provided for by rules of court.

Idem

(2) Nothing in subsection (1) authorizes the making of rules that conflict with an Act, but rules may be made under subsection (1) supplementing the provisions of an Act in respect of practice and procedure. R.S.O. 1980, c. 223, s. 116 (10, 11).

PART VI

COURTS ADMINISTRATION

Attorney
General's
adminis-
trative
responsibility

91. The Attorney General shall superintend all matters connected with the administration of the courts, other than matters that are assigned by law to the judiciary. *New.*

92.—(1) There shall be an advisory council to be known as the Ontario Courts Advisory Council composed of,

- (a) the Chief Justice of Ontario who shall preside, the Chief Justice of the High Court, the Associate Chief Justice of Ontario and the Associate Chief Justice of the High Court;
- (b) the Chief Judge of the District Court, the Associate Chief Judge of the District Court and the Senior Judge of the District Court for the Judicial District of York;
- (c) the Chief Judge of the Provincial Court (Criminal Division) and the Associate Chief Judge of the Provincial Court (Criminal Division);
- (d) the Chief Judge of the Provincial Court (Family Division) and the Associate Chief Judge of the Provincial Court (Family Division); and
- (e) the Chief Judge of the Provincial Court (Civil Division).

(2) The function of the Ontario Courts Advisory Council is to consider any matter relating to the administration of the courts that is referred to it by the Attorney General or that it considers appropriate on its own initiative, and to make recommendations thereon to the Attorney General and to the chief justices and chief judges of the various courts. *New.*

Functions

93. Judges and masters who have authority to assign judicial duties have authority over the preparation of trial lists and the assignment of courtrooms to the extent necessary to control the determination of who is assigned to hear particular cases. *New.*

Trial lists,
courtrooms

94. Court administrators, court reporters, interpreters, translators and such other employees as are considered necessary for the administration of the courts in Ontario may be appointed under the *Public Service Act*. R.S.O. 1980, c. 100, s. 4 (1); R.S.O. 1980, c. 398, s. 33 (3); R.S.O. 1980, c. 515, s. 17.

Appointment
of court staffR.S.O. 1980,
c. 418

95.—(1) In matters that are assigned by law to the judiciary, registrars, court clerks, court reporters, interpreters and other court staff shall act at the direction of the chief justice or chief judge of the court.

Direction of
court staff

Idem

(2) Court personnel referred to in subsection (1) who are assigned to and present in a courtroom shall act at the direction of the presiding judge or master while the court is in session. R.S.O. 1980, c. 101, s. 14 (2); R.S.O. 1980, c. 398, ss. 26, 33 (1).

PART VII

JUDGES AND OFFICERS

Oath of office

96. Every judge or officer of a court in Ontario shall, before entering on the duties of office, take and sign the following oath or affirmation in either the English or French language:

I solemnly swear (affirm) that I will faithfully, and to the best of my skill and knowledge, execute the duties of
So help me God. (*Omit this line in an affirmation*)

R.S.O. 1980, c. 223, s. 84 (1).

Persona designata abolished

97. Where an adjudicative function is given by an Act to a judge or officer of a court in Ontario, the jurisdiction shall be deemed to be given to the court. *New.*

Liability of judges

98. Every judge of a court in Ontario and every master of the Supreme Court has the same immunity from liability as a judge of the Supreme Court. R.S.O. 1980, c. 223, s. 100 (4); R.S.O. 1980, c. 398, s. 13.

Compensation of judges for statutory duties

99. Every judge of the Supreme Court and of the District Court shall be paid out of the Consolidated Revenue Fund the annual sum of \$3,000, payable quarterly, as compensation for the services the judge is called on to render by any Act of the Legislature in addition to his or her ordinary duties. R.S.O. 1980, c. 149, s. 2.

Extra-judicial services

100.—(1) A judge of the Supreme Court or the District Court may act as a conciliator, arbitrator or referee or on a commission of inquiry under an Act of the Legislature or under an agreement made under any such Act.

Remuneration

(2) A judge acting under subsection (1) shall not receive any remuneration but shall be reimbursed for reasonable travelling and other expenses incurred while so acting. R.S.O. 1980, c. 149, s. 3.

Inspector of Legal Offices

101.—(1) The Lieutenant Governor in Council may appoint an Inspector of Legal Offices.

(2) The Inspector may inspect all court offices and such other offices connected with the administration of justice as the Attorney General designates. R.S.O. 1980, c. 223, s. 107 (1).

(3) The Inspector may inquire into the administration of any office that he or she is entitled to inspect and, for that purpose, the Inspector has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to the inquiry as if it were an inquiry under that Act, but the Inspector may not summon a judge or master. R.S.O. 1980, c. 223, s. 108 (2).

(4) Documents and other material that are no longer required in a court office shall be disposed of in accordance with the directions of the Inspector, subject to the approval of,

- (a) in the Supreme Court, the Chief Justice of Ontario;
- (b) in the District Court, the Unified Family Court and the surrogate courts, the Chief Judge of the District Court;
- (c) in the Provincial Court (Criminal Division) and the Provincial Offences Court, the Chief Judge of the Provincial Court (Criminal Division);
- (d) in the Provincial Court (Family Division), the Chief Judge of the Provincial Court (Family Division);
- (e) in the Provincial Court (Civil Division) in the counties and districts where a judge of the District Court presides, the Chief Judge of the District Court and in other counties and districts the Chief Judge of the Provincial Court (Civil Division). R.S.O. 1980, c. 223, s. 108 (4).

102.—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint an Official Guardian. *New.*

(2) No person shall be appointed Official Guardian unless he or she has been a member of the bar of one of the provinces of Canada for at least ten years.

(3) The Official Guardian shall act as litigation guardian of minors and other persons where required by an Act or the Rules of Civil Procedure, and in other cases may be authorized by a court to so act.

Inspection

Inquiry by
Inspector

R.S.O. 1980,
c. 411

Destruction
of documents

Official
Guardian

Qualifications

Duties

Costs	(4) The same costs as are payable to litigation guardians are payable to the Official Guardian and costs recovered by the Official Guardian shall be paid into the Consolidated Revenue Fund. R.S.O. 1980, c. 223, s. 109 (1-3).
Security for costs	(5) The Official Guardian shall not be required to give security for costs in any proceeding. R.S.O. 1980, c. 223, s. 109 (15).
Mortgages held by Accountant	(6) Where a person for whom the Official Guardian has acted is interested in a mortgage held by the Accountant, the Official Guardian shall take reasonable care to ensure that, <ul style="list-style-type: none"> (a) money payable on the mortgage is promptly paid; (b) the mortgaged property is kept properly insured; and (c) taxes on the mortgaged property are promptly paid.
Payment into court	(7) Money received by the Official Guardian on behalf of a person for whom he or she acts shall, unless the court orders otherwise, be paid into court to the credit of the person entitled.
Assessment of costs	(8) Where the amount payable into court under subsection (7) is to be ascertained by the deduction of unassessed costs from a fund, the Official Guardian may require the costs to be assessed forthwith. <i>New.</i>
Audit	(9) The Provincial Auditor shall examine and report on the accounts and financial transactions of the Official Guardian. R.S.O. 1980, c. 223, s. 109 (12).
Assessment officers	103. —(1) The Registrar of the Supreme Court of Ontario, each master, local registrar and deputy local registrar of the Supreme Court, local registrar and deputy local registrar of the District Court and the clerk of the Unified Family Court is an assessment officer.
Idem	(2) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint additional assessment officers.
Jurisdiction	(3) Every assessment officer has the jurisdiction conferred by the Rules of Civil Procedure.
Appeal from assessment of costs before tribunal	(4) Where costs of a proceeding before a tribunal other than a court are to be assessed by an assessment officer,

- (a) the Rules of Civil Procedure governing the procedure on an assessment of costs apply with necessary modifications; and
- (b) an appeal lies to the High Court from a certificate of assessment of the costs if an objection was served in respect of the issue appealed in accordance with the Rules of Civil Procedure. *New.*

104.—(1) Every local registrar and deputy local registrar of the Supreme Court and local registrar and deputy local registrar of the District Court is an official examiner for the county or district for which he or she is appointed.

Official
examiners

(2) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint additional official examiners. R.S.O. 1980, c. 223, s. 104 (1, 2).

Additional
official
examiners

(3) With the approval of the Attorney General, every official examiner may appoint a deputy official examiner who may exercise and perform all the powers and duties of the official examiner. R.S.O. 1980, c. 223, s. 104 (7).

Deputy
official
examiners

(4) Every official examiner and deputy official examiner is an officer of every court in Ontario. *New.*

Officers of
court

105. Every officer of a court has, for the purposes of any matter before him or her, power to administer oaths and affirmations and to examine parties and witnesses. R.S.O. 1980, c. 223, s. 124.

Administration
of oaths

106. Money or property vested in or held by an officer of a court shall be deemed to be vested in the officer in trust for Her Majesty, subject to being disposed of in accordance with any Act, rule of court or order. R.S.O. 1980, c. 223, s. 112.

Money held
by officer of
court

107.—(1) All fees payable to a salaried officer of a court in respect of a proceeding in the court shall be paid into the Consolidated Revenue Fund.

Disposition
of court fees

(2) Subsection (1) does not apply to fees payable to court reporters under the *Administration of Justice Act*. R.S.O. 1980, c. 101, s. 10; R.S.O. 1980, c. 223, s. 87.

Exception
R.S.O. 1980,
c. 17

PART VIII

COURT PROCEEDINGS

108.—(1) This Part applies to civil proceedings in courts of Ontario.

Application
of Part

Application
to criminal
proceedings

R.S.C. 1970,
c. C-34

(2) Sections 122 (constitutional questions) and 133 (giving decisions), section 135 and subsection 136 (7) (language of proceedings) and sections 142 (judge sitting on appeal) and 146 (prohibition against photography at court hearing) also apply to proceedings under the *Criminal Code* (Canada), except in so far as they are inconsistent with that Act.

Application
to provincial
offences

R.S.O. 1980,
c. 400

(3) Sections 122 (constitutional questions), 135, 136 (language of proceedings), 142 (judge sitting on appeal) and 146 (prohibition against photography at court hearings) also apply to proceedings under the *Provincial Offences Act* and, for the purpose, a reference therein to a judge includes a justice of the peace presiding in the Provincial Offences Court. *New.*

COMMON LAW AND EQUITY

Rules of law
and equity

109.—(1) Courts shall administer concurrently all rules of equity and the common law. R.S.O. 1980, c. 223, s. 18.

Rules of
equity to
prevail

(2) Where a rule of equity conflicts with a rule of the common law, the rule of equity prevails.

Jurisdiction
for equitable
relief

(3) Unless otherwise provided, only the Supreme Court, the District Court and the Unified Family Court may grant equitable relief. R.S.O. 1980, c. 223, ss. 25, 26.

Declaratory
orders

110. The Supreme Court, the District Court and the Unified Family Court may make binding declarations of right whether or not any consequential relief is or could be claimed. R.S.O. 1980, c. 223, s. 18, par. 2.

Relief against
penalties

111. A court may grant relief against penalties and forfeitures, on such terms as to compensation or otherwise as are considered just. R.S.O. 1980, c. 228, s. 22.

Damages in
lieu of
injunction or
specific
performance

112. A court that has jurisdiction to grant an injunction or order specific performance may award damages in addition to, or in substitution for, the injunction or specific performance. R.S.O. 1980, c. 223, s. 21.

Vesting
orders

113. A court may by order vest in any person an interest in real or personal property that the court has authority to order be disposed of, encumbered or conveyed. R.S.O. 1980, c. 223, s. 79.

INTERLOCUTORY ORDERS

Injunctions
and receivers

114.—(1) In the Supreme Court, the District Court or the Unified Family Court, an interlocutory injunction or manda-

tory order may be granted or a receiver or receiver and manager may be appointed by an interlocutory order, where it appears to a judge of the court to be just or convenient to do so.

(2) An order under subsection (1) may include such terms as are considered just. R.S.O. 1980, c. 223, s. 19 (1). Terms

115.—(1) In this section, “labour dispute” means a dispute or difference concerning terms, tenure or conditions of employment or concerning the association or representation of persons in negotiating, fixing, maintaining, changing or seeking to arrange terms or conditions of employment, regardless of whether the disputants stand in the proximate relation of employer and employee. “labour dispute” defined

(2) Subject to subsection (8), no injunction to restrain a person from an act in connection with a labour dispute shall be granted without notice. Notice

(3) In a motion or proceeding for an injunction to restrain a person from an act in connection with a labour dispute, the court must be satisfied that reasonable efforts to obtain police assistance, protection and action to prevent or remove any alleged danger of damage to property, injury to persons, obstruction of or interference with lawful entry or exit from the premises in question or breach of the peace have been unsuccessful. Steps before injunction proceeding

(4) Subject to subsection (8), affidavit evidence in support of a motion for an injunction to restrain a person from an act in connection with a labour dispute shall be confined to statements of facts within the knowledge of the deponent, but any party may by notice to the party filing such affidavit, and payment of the proper attendance money, require the attendance of the deponent to be cross-examined at the hearing. Evidence

(5) An interim injunction to restrain a person from an act in connection with a labour dispute may be granted for a period of not longer than four days. Interim injunction

(6) Subject to subsection (8), at least two days notice of a motion for an interim injunction to restrain a person from any act in connection with a labour dispute shall be given to the responding party and to any other person affected thereby but not named in the notice of motion. Notice

(7) Notice required by subsection (6) to persons other than the responding party may be given, Idem

- (a) where such persons are members of a labour organization, by personal service on an officer or agent of the labour organization; and
- (b) where such persons are not members of a labour organization, by posting the notice in a conspicuous place at the location of the activity sought to be restrained where it can be read by any persons affected,

and service and posting under this subsection shall be deemed to be sufficient notice to all such persons.

Interim injunction without notice

(8) Where notice as required by subsection (6) is not given, the court may grant an interim injunction where,

- (a) the case is otherwise a proper one for the granting of an interim injunction;
- (b) notice as required by subsection (6) could not be given because the delay necessary to do so would result in irreparable damage or injury, a breach of the peace or an interruption in an essential public service;
- (c) reasonable notification, by telephone or otherwise, has been given to the persons to be affected or, where any of such persons are members of a labour organization, to an officer of that labour organization or to the person authorized under section 87 of the *Labour Relations Act* to accept service of process under that Act on behalf of that labour organization or trade union, or where it is shown that such notice could not have been given; and
- (d) proof of all material facts for the purpose of clauses (a), (b) and (c) is established by oral evidence.

R.S.O. 1980,
c. 228

Misrepresentation as contempt of court

(9) The misrepresentation of any fact or the withholding of any qualifying relevant matter, directly or indirectly, in a proceeding for an injunction under this section, constitutes a contempt of court.

Appeal

(10) An appeal from an order under this section lies to the Court of Appeal without leave. R.S.O. 1980, c. 223, s. 20.

Certificate of pending litigation

116.—(1) The commencement of a proceeding in which an interest in land is in question is not notice of the proceeding to a person who is not a party until a certificate of pending litigation is issued by the court and the certificate is registered

in the proper land registry office under subsection (2). R.S.O. 1980, c. 223, s. 38 (1).

(2) Where a certificate of pending litigation is issued under subsection (1) it may be registered whether the land is registered under the *Land Titles Act* or the *Registry Act. New.*

Registration

R.S.O. 1980,
cc. 230, 445

(3) Subsections (1) and (2) do not apply to a proceeding for foreclosure or sale on a registered mortgage or to enforce a lien under the *Construction Lien Act, 1983.*

Exception

1983, c. 6

(4) A party who registers a certificate under subsection (2) without a reasonable claim to an interest in the land is liable for any damages sustained by any person as a result of its registration.

Liability
where no
reasonable
claim

(5) The liability for damages under subsection (4) and the amount thereof may be determined in the proceeding in respect of which the certificate was registered or in a separate proceeding. R.S.O. 1980, c. 223, s. 38 (3-5).

Recovery of
damages

(6) The court may make an order discharging a certificate,

Order
discharging
certificate

(a) where the party at whose instance it was issued,

(i) claims a sum of money in place of or as an alternative to the interest in the land claimed,

(ii) does not have a reasonable claim to the interest in the land claimed, or

(iii) does not prosecute the proceeding with reasonable diligence;

(b) where the interests of the party at whose instance it was issued can be adequately protected by another form of security; or

(c) on any other ground that is considered just,

and the court may, in making the order, impose such terms as to the giving of security or otherwise as the court considers just. R.S.O. 1980, c. 223, s. 39 (1-3).

(7) Where a certificate is discharged, any person may deal with the land as fully as if the certificate had not been registered. R.S.O. 1980, c. 223, s. 39 (6).

Effect

(8) Subsections (1) to (7) apply with necessary modifications to a certificate or caution under section 38 of the *Judicature*

Application
of section

Act, being chapter 223 of the Revised Statutes of Ontario, 1980, registered after the 24th day of November, 1977 and before this Act comes into force.

Idem

R.S.O. 1980,
c. 223

(9) Subsections (1), (2), (3), (6) and (7) apply with necessary modifications to a certificate or caution under section 38 of the *Judicature Act* registered before the 25th day of November, 1977. R.S.O. 1980, c. 223, s. 38 (6).

Interim order
for recovery
of personal
property

117.—(1) In an action in which the recovery of possession of personal property is claimed and it is alleged that the property,

- (a) was unlawfully taken from the possession of the plaintiff; or
- (b) is unlawfully detained by the defendant,

the court, on motion, may make an interim order for recovery of possession of the property.

Damages

(2) A person who obtains possession of personal property by obtaining or setting aside an interim order under subsection (1) is liable for any loss suffered by the person ultimately found to be entitled to possession of the property. R.S.O. 1980, c. 449, s. 2.

“medical
practitioner”
defined

118.—(1) In this section, “medical practitioner” means a person licensed to practise medicine or dentistry in Ontario or any other jurisdiction.

Order for
physical or
mental
examination

(2) Where the physical or mental condition of a party to a proceeding is in question, the court, on motion, may order the party to undergo a physical or mental examination by one or more medical practitioners.

Idem

(3) Where the question of a party’s physical or mental condition is first raised by another party, an order under this section shall not be made unless the allegation is relevant to a material issue in the proceeding and there is good reason to believe that there is substance to the allegation.

Further
examinations

(4) The court may, on motion, order further physical or mental examinations.

Examiner
may ask
questions

(5) Where an order is made under this section, the party examined shall answer the questions of the examining medical practitioner relevant to the examination and the answers given are admissible in evidence. R.S.O. 1980, c. 223, s. 77.

119. A court, on its own initiative or on motion by any person, whether or not a party, may stay any proceeding in the court on such terms as are considered just. R.S.O. 1980, c. 223, s. 18, par. 6.

Stay of
proceedings

120.—(1) Where two or more proceedings are pending in two or more different courts, and the proceedings,

Consolidation
of
proceedings
in different
courts

- (a) have a question of law or fact in common;
- (b) claim relief arising out of the same transaction or occurrence or series of transactions or occurrences; or
- (c) for any other reason ought to be the subject of an order under this section,

an order may, on motion, be made,

- (d) transferring any of the proceedings to another court and requiring the proceedings to be consolidated, or to be heard at the same time, or one immediately after the other; or
- (e) requiring any of the proceedings to be,
 - (i) stayed until after the determination of any other of them, or
 - (ii) asserted by way of counterclaim in any other of them.

(2) A proceeding in the Provincial Court (Civil Division) shall not be,

Transfer
from
Provincial
Court (Civil
Division)

- (a) transferred under clause (1) (d) to the District Court or the Supreme Court; or
- (b) required under subclause (1) (e) (ii) to be asserted by way of counterclaim in a proceeding in the District Court or the Supreme Court,

without the consent of the plaintiff in the proceeding in the Provincial Court (Civil Division).

(3) The motion shall be made,

Motions

- (a) where one or more of the proceedings are in the Supreme Court, to a judge of the Supreme Court;

- (b) where none of the proceedings are in the Supreme Court, to a judge of the District Court.

Directions

(4) An order under subsection (1) may impose such terms and give such directions as are considered just, including dispensing with service of a notice of readiness or listing for trial and abridging the time for placing an action on the trial list.

Transfer

(5) A proceeding that is transferred to another court under clause (1) (d) shall be titled in the court to which it is transferred and shall be continued as if it had been commenced in that court.

Discretion at hearing

(6) Where an order has been made that proceedings be heard either at the same time or one immediately after the other, the judge presiding at the hearing nevertheless has discretion to order otherwise. *New.*

PROCEDURAL MATTERS

Jury trials

121.—(1) In a Supreme Court or District Court action, a party may require that the issues of fact be tried or the damages assessed, or both, by a jury, unless otherwise provided. R.S.O. 1980, c. 223, s. 59 (1).

Trials without jury

(2) Actions in which a claim is made for any of the following kinds of relief shall be heard without a jury:

1. Injunction or mandatory order.
2. Partition or sale of real property.
3. Relief under Part I, II or III of the *Family Law Reform Act* or under the *Children's Law Reform Act*.
4. Dissolution of a partnership or taking of partnership or other accounts.
5. Foreclosure or redemption of a mortgage.
6. Sale and distribution of the proceeds of property subject to any lien or charge.
7. Execution of a trust.
8. Rectification, setting aside or cancellation of a deed or other written instrument.
9. Specific performance of a contract.

R.S.O. 1980,
cc. 152, 68

10. Declaratory relief.

11. Other equitable relief.

12. Relief against a municipality. R.S.O. 1980, c. 223, ss. 58, 60 (4).

(3) On motion, the court may order that issues of fact be tried or damages assessed, or both, without a jury. R.S.O. 1980, c. 223, s. 59 (2). Idem

(4) Where a proceeding is tried with a jury, the jury shall be composed of six persons selected in accordance with the *Juries Act*. *New.* Composition of jury

(5) Where a proceeding is tried with a jury, Verdicts or questions

(a) the judge may require the jury to give a general verdict or to answer specific questions, subject to section 15 of the *Libel and Slander Act*; and R.S.O. 1980, c. 237

(b) judgment may be entered in accordance with the verdict or the answers to the questions. R.S.O. 1980, c. 223, ss. 64, 65 (1, 3).

(6) It is sufficient if five of the jurors agree on the verdict or the answer to a question, and where more than one question is submitted, it is not necessary that the same five jurors agree to every answer. R.S.O. 1980, c. 223, s. 62. Idem

(7) The judge presiding at a trial may discharge a juror on the ground of illness, hardship, partiality or other sufficient cause. Discharge of juror at trial

(8) Where a juror dies or is discharged, the judge may direct that the trial proceed with five jurors, in which case the verdict or answers to questions must be unanimous. R.S.O. 1980, c. 223, s. 63. Continuation with five jurors

(9) Where a proceeding to which subsection 167 (1) of the *Highway Traffic Act* applies is tried with a jury, the judge may direct the jury to specify negligent acts or omissions that caused the damages or injuries in respect of which the proceeding is brought. R.S.O. 1980, c. 223, s. 65 (2). Specifying negligent acts under R.S.O. 1980, c. 198, s. 167 (1)

(10) In an action for malicious prosecution, the trier of fact shall determine whether or not there was reasonable and probable cause for instituting the prosecution. R.S.O. 1980, c. 223, s. 66. Malicious prosecution

Constitutional
questions

122.—(1) Where the constitutional validity or constitutional applicability of an Act of the Parliament of Canada or the Legislature or of a regulation or by-law made thereunder is in question, the Act, regulation or by-law shall not be adjudged to be invalid or inapplicable unless notice has been served on the Attorney General of Canada and the Attorney General of Ontario in accordance with subsection (2).

Form and
time of
notice

(2) The notice shall be in the form provided for by the Rules of Civil Procedure and, unless the court orders otherwise, shall be served at least ten days before the day on which the question is to be argued.

Notice of
appeal

(3) Where the Attorney General of Canada and the Attorney General of Ontario are entitled to notice under subsection (1), they are entitled to notice of any appeal in respect of the constitutional question.

Right of
Attorneys
General to
be heard

(4) Where the Attorney General of Canada or the Attorney General of Ontario is entitled to notice under this section, he or she is entitled to adduce evidence and make submissions to the court in respect of the constitutional question.

Right of
Attorneys
General to
appeal

(5) Where the Attorney General of Canada or the Attorney General of Ontario makes submissions under subsection (4), he or she shall be deemed to be a party to the proceedings for the purpose of any appeal in respect of the constitutional question. R.S.O. 1980, c. 223, s. 35.

Proceeding in
wrong forum

123.—(1) Where a proceeding or a step in a proceeding is brought or taken before the wrong court, judge or officer, it may be transferred or adjourned to the proper court, judge or officer.

Continuation
of proceeding

(2) A proceeding that is transferred to another court under subsection (1) shall be titled in the court to which it is transferred and shall be continued as if it had been commenced in that court. *New.*

Set off

124.—(1) In an action for payment of a debt, the defendant may, by way of defence, claim the right to set off against the plaintiff's claim a debt owed by the plaintiff to the defendant. R.S.O. 1980, c. 223, s. 134.

Idem

(2) Mutual debts may be set off against each other, notwithstanding that they are of a different nature or that one debt is owed to or by a person in a personal capacity and the other debt is owed by or to the person in a capacity other than personal. R.S.O. 1980, c. 223, s. 135 (1).

(3) Where, on a defence of set off, a larger sum is found to be due from the plaintiff to the defendant than is found to be due from the defendant to the plaintiff, the defendant is entitled to judgment for the balance. R.S.O. 1980, c. 223, s. 136.

Judgment for defendant

125.—(1) Where a petition or counterpetition for divorce contains particulars of a child under the age of eighteen years who is a child of the marriage within the meaning of section 2 of the *Divorce Act* (Canada), the Official Guardian shall cause an investigation to be made and shall report to the court on all matters relating to the custody, maintenance and education of the child.

(2) The Official Guardian may engage another person to make the investigation. Agents

(3) An affidavit of the person making the investigation, verifying the report as to facts that are within the person's knowledge and setting out the source of the person's information and belief as to other facts, with the report attached as an exhibit thereto, shall be served on the parties and filed and on being filed shall form part of the evidence at the hearing of the divorce proceeding.

Report as evidence

(4) Where a party to the proceeding disputes the facts set out in the report, the Official Guardian shall if directed by the court, and may when not so directed, attend the hearing on behalf of the child and cause the person who made the investigation to attend as a witness.

Attendance on report

(5) The petitioner shall pay such fees for and disbursements arising from an investigation in respect of the petition as are prescribed under the *Administration of Justice Act*.

Payment of fees

R.S.O. 1980, c. 6

(6) The Official Guardian shall not serve or file the report of the investigation until the fees and disbursements have been paid, unless the court orders otherwise. R.S.O. 1980, c. 258, s. 1 (2-7).

Idem

(7) The fees and disbursements of the Official Guardian payable under subsection (5) shall be deemed to be costs incurred in the proceeding for the purposes of any order for costs. R.S.O. 1980, c. 258, s. 1 (9).

Costs of Official Guardian

126. Rules of court permitting a defendant to make a third party claim apply notwithstanding any agreement that provides that no action may be brought until after judgment against the defendant. *New.*

Agreement preventing third party claim

Agreement
as to place
of hearing

127. Where a party moves to change the place of hearing in a proceeding, an agreement as to the place of hearing is not binding, but may be taken into account. R.S.O. 1980, c. 223, s. 61.

Security

R.S.O. 1980,
c. 192

128. Where a person is required to give security in respect of a proceeding in a court, a bond of a guarantee company to which the *Guarantee Companies Securities Act* applies is sufficient, unless the court orders otherwise. R.S.O. 1980, c. 223, s. 76.

Periodic
payment and
review of
damages

R.S.O. 1980,
c. 152

129. In a proceeding where damages are claimed,

- (a) for personal injuries; or
- (b) under Part V of the *Family Law Reform Act*, for loss resulting from the injury to or death of a person,

the court may, with the consent of all affected parties,

- (c) order the defendant to pay all or part of the award for damages periodically on such terms as the court considers just;
- (d) order that the award for damages be subject to future review and revision in such circumstances and on such terms as the court considers just. *New.*

Assessment
of damages

130. Where damages are to be assessed in respect of,

- (a) a continuing cause of action;
- (b) repeated breaches of a recurring obligation; or
- (c) intermittent breaches of a continuing obligation,

the damages, including damages for breaches occurring after the commencement of the proceeding, shall be assessed down to the time of the assessment. *New.*

Foreign
money
obligations

131.—(1) Subject to subsections (3) and (4), where a person obtains an order to enforce an obligation in a foreign currency, the order shall require payment of an amount in Canadian currency sufficient to purchase the amount of the obligation in the foreign currency at a chartered bank in Ontario at the close of business on the first day on which the bank quotes a Canadian dollar rate for purchase of the foreign

currency before the day payment of the obligation is received by the creditor.

(2) Where more than one payment is made under an order referred to in subsection (1), the rate of conversion shall be the rate determined as provided in subsection (1) for each payment.

Multiple payments

(3) Subject to subsection (4), where, in a proceeding to enforce an obligation in a foreign currency, the court is satisfied that conversion of the amount of the obligation to Canadian currency as provided in subsection (1) would be inequitable to any party, the order may require payment of an amount in Canadian currency sufficient to purchase the amount of the obligation in the foreign currency at a chartered bank in Ontario on such other day as the court considers equitable in the circumstances.

Discretion of court

(4) Where an obligation enforceable in Ontario provides for a manner of conversion to Canadian currency of an amount in a foreign currency, the court shall give effect to the manner of conversion in the obligation.

Other obligations that include conversion

(5) Where a writ of seizure and sale or notice of garnishment is issued under an order to enforce an obligation in a foreign currency, the day the sheriff, bailiff or clerk of the court receives money under the writ or notice shall be deemed, for the purposes of this section and any obligation referred to in subsection (4), to be the day payment is received by the creditor. *New.*

Enforcement by seizure or garnishment

132.—(1) Where an action for an accounting could have been brought against a person, the action may be brought against his or her personal representative.

Actions for accounting

(2) An action for an accounting may be brought by a joint tenant or tenant in common, or his or her personal representative, against a co-tenant for receiving more than the co-tenant's just share. R.S.O. 1980, c. 223, s. 139.

Idem

133.—(1) In this section,

Interpretation

(a) “chief judge” means the person having authority to assign duties to the judge;

(b) “judge” includes a local judge or master.

(2) A judge may, within ninety days of,

(a) reaching retirement age;

Decision after retirement, etc.

- (b) resigning; or
- (c) being appointed to another court,

give a decision or participate in the giving of a decision in any matter previously tried or heard before the judge.

Inability to give decision; panel of judges

(3) Where a judge has commenced a hearing together with other judges and,

- (a) dies before the decision is given;
- (b) is for any reason unable to participate in the giving of the decision; or
- (c) does not participate in the giving of the decision under subsection (2),

the remaining judges may complete the hearing and give the decision of the court but, if the remaining judges are equally divided, a party may make a motion to the chief judge for an order that the matter be reheard. R.S.O. 1980, c. 223, s. 11 (1-3).

Inability to give decision; sitting alone

(4) Where a judge has commenced hearing a matter sitting alone and,

- (a) dies without giving a decision;
- (b) is for any reason unable to make a decision; or
- (c) does not give a decision under subsection (2),

a party may make a motion to the chief judge for an order that the matter be reheard. R.S.O. 1980, c. 100, s. 30 (1).

Failure to give decision

(5) Where a judge has heard a matter and fails to give a decision,

- (a) in the case of a judgment, within six months; or
- (b) in any other case, within three months,

the chief judge may extend the time in which the decision may be given and, if necessary, relieve the judge of his or her other duties until the decision is given.

Continued failure

(6) Where time has been extended under subsection (5) but the judge fails to give the decision within that time, unless the chief judge grants a further extension,

- (a) the chief judge shall report the failure and the surrounding circumstances to the appropriate judicial council; and
- (b) a party may make a motion to the chief judge for an order that the matter be reheard. *New.*

(7) Where an order is made under subsection (3), (4) or (6) for the rehearing of a matter, the chief judge may, Rehearing

- (a) dispose of the costs of the original hearing or refer the question of those costs to the judge or judges presiding at the rehearing;
- (b) direct that the rehearing be conducted on the transcript of evidence taken at the original hearing, subject to the discretion of the court at the rehearing to recall a witness or require further evidence; and
- (c) give such other directions as are considered just. R.S.O. 1980, c. 100, s. 30 (2-6).

134. No document shall be served and no order shall be executed on Sunday, except with leave of the court. R.S.O. 1980, c. 223, s. 132. Service on Sunday

LANGUAGE

135.—(1) The official languages of the courts of Ontario are English and French. *New.* Official languages of the courts

(2) Except as otherwise provided with respect to the use of the French language,

- (a) hearings in courts shall be conducted in the English language and evidence adduced in a language other than English shall be interpreted into the English language; and
- (b) documents filed in courts shall be in the English language or shall be accompanied by a translation of the document into the English language certified by affidavit of the translator. R.S.O. 1980, c. 223, s. 130 (1).

Proceedings in English unless otherwise provided

136.—(1) In this section, “designated court” means,

“designated court” defined

- (a) a court sitting in,
 - (i) the county of Essex or Renfrew,

- (ii) the judicial district of Niagara South, Ottawa-Carleton or York,
 - (iii) the territorial district of Algoma, Cochrane, Nipissing, Sudbury or Timiskaming,
 - (iv) the united counties of Prescott and Russell or the united counties of Stormont, Dundas and Glengarry;
 - (b) a court designated by order of the Lieutenant Governor in Council, sitting in a place that is not in a county or district mentioned in clause (a) and is designated in the order. R.S.O. 1980, c. 223, s. 130 (2, 3); 1983, c. 3, s. 1 (1).
- Non-jury trial before bilingual judge**
- (2) In a proceeding in a designated court without a jury, a party who speaks the French language has the right to require that the hearing be conducted before a judge who speaks both the English and French languages.
- Jury trial before bilingual judge and jury**
- (3) In a proceeding in a designated court referred to in clause (1) (a) that is to be heard by a judge and jury, a party who speaks the French language has the right to require that the hearing be conducted before a judge and jurors who speak both the English and French languages.
- Proceedings in English and French**
- (4) Where a right under subsection (2) or (3) is exercised,
 - (a) all evidence adduced and submissions made at the hearing in the proceeding in the English or French language shall be received, recorded and transcribed in the language in which it is given;
 - (b) any other part of the hearing may be conducted in the French language if, in the opinion of the presiding judge, the hearing can be so conducted;
 - (c) any oral evidence adduced at an examination before or after the hearing in the proceeding in the English or French language shall be received, recorded and transcribed in the language in which it is given;
 - (d) with the consent of all the parties or by order of the court, clauses (a) and (b) apply to any other step in the proceeding;
 - (e) with the consent of all the parties, pleadings and other documents filed in the proceeding may be in the French language only;

- (f) the reasons for the decision in the proceeding may be in either the English or French language; and
- (g) on the request of a party or counsel who speaks the English or French language, but not both, the court shall provide,
 - (i) interpretation of anything given orally in the other language under clause (a), (b), (c) or (d), and
 - (ii) translation of documents in the other language under clause (a), (d) or (f), unless the court considers that the ends of justice do not require the expense of translation,

into the language spoken by the party or counsel.
R.S.O. 1980, c. 223, s. 130 (6, 7).

(5) Where an appeal is taken in a proceeding to which subsection (4) applies, Appeals

- (a) a party who speaks the French language has the right to require the hearing of the appeal to be conducted before a judge or judges who speak both the English and French languages, in which case subsection (4) applies, with necessary modifications, to the hearing of the appeal; and
- (b) the court whose decision is appealed shall provide a translation into the English or French language, at the request of a party or counsel who speaks only one of these languages, of any part of the transcript of the hearing that is in the other language.

(6) A document filed by a party before the hearing in a proceeding in the Provincial Court (Family Division) or the Provincial Court (Civil Division) where the court is a designated court may be in the French language only. R.S.O. 1980, c. 223, s. 130 (8); 1983, c. 3, s. 1 (2). Court documents

(7) A process issued in or giving rise to a criminal proceeding or a proceeding in the Provincial Offences Court where it is a designated court may be filed in the court in the French language only. Process

(8) A document or process referred to in subsection (6) or (7) that is filed in the English or French language only shall be translated by the court into the other language on the request of a party. Translation

Interpretation
in
undesignated
courts

(9) Where, at a hearing in a court that is not a designated court or at a hearing in a designated court to which subsection (4) does not apply, a party acting in person makes submissions to the court in the French language or a witness gives oral evidence in the French language, the court shall provide an interpreter to translate the submissions or evidence into the English language.

Corporations,
etc.

(10) A corporation, partnership or sole proprietorship may claim the rights under this section in the same manner as a person who speaks either the English or French language, unless the court orders otherwise.

Regulations

(11) The Lieutenant Governor in Council may make regulations prescribing procedures for the purpose of this section. *New.*

INTEREST AND COSTS

Interpretation

137.—(1) In this section and in sections 138 and 139,

- (a) “bank rate” means the bank rate established by the Bank of Canada as the minimum rate at which the Bank of Canada makes short-term advances to the chartered banks;
- (b) “date of the order” means the date the order is made, notwithstanding that the order is not entered or enforceable on that date, or that the order is varied on appeal, and in the case of an order directing a reference, the date the report on the reference is confirmed;
- (c) “postjudgment interest rate” means the bank rate at the end of the first day of the last month of the quarter preceding the quarter in which the date of the order falls, rounded to the next higher whole number where the bank rate includes a fraction, plus 1 per cent;
- (d) “prejudgment interest rate” means the bank rate at the end of the first day of the last month of the quarter preceding the quarter in which the proceeding was commenced, rounded to the next higher whole number where the bank rate includes a fraction, plus 1 per cent;
- (e) “quarter” means the three-month period ending with the 31st day of March, 30th day of June, 30th

day of September or 31st day of December.
R.S.O. 1980, c. 223, s. 36 (1, 2).

(2) After the first day of the last month of each quarter, the Registrar of the Supreme Court shall forthwith,

Calculation
and
publication of
interest

- (a) determine the prejudgment and postjudgment interest rate for the next quarter; and
- (b) publish in *The Ontario Gazette* a table showing the rate determined under clause (a) for the next quarter and for all the previous quarters during the preceding ten years. *New.*

138.—(1) A person who is entitled to an order for the payment of money is entitled to claim and have included in the order an award of interest thereon at the prejudgment interest rate, calculated,

Prejudgment
interest

- (a) where the order is made on a liquidated claim, from the date the cause of action arose to the date of the order; or
- (b) where the order is made on an unliquidated claim, from the date the person entitled gave notice in writing of his claim to the person liable therefor to the date of the order.

(2) Where the order includes an amount for special damages, the interest calculated under subsection (1) shall be calculated on the balance of special damages incurred as totalled at the end of each six-month period following the notice in writing referred to in clause (1) (b) and at the date of the order.

Special
damages

(3) Interest shall not be awarded under subsection (1),

Exclusion

- (a) on exemplary or punitive damages;
- (b) on interest accruing under this section;
- (c) on an award of costs in the proceeding;
- (d) on that part of the order that represents pecuniary loss arising after the date of the order and that is identified by a finding of the court;
- (e) where the order is made on consent, except by consent of the debtor; or

(f) where interest is payable by a right other than under this section. R.S.O. 1980, c. 223, s. 36 (3-5).

Application

(4) Where a proceeding is commenced before this section comes into force, this section does not apply and section 36 of the *Judicature Act*, being chapter 223 of the Revised Statutes of Ontario, 1980, continues to apply, notwithstanding section 187.

Postjudgment
interest

139.—(1) Money owing under an order, including costs to be assessed or costs fixed by the court, bears interest at the postjudgment interest rate, calculated from the date of the order. R.S.O. 1980, c. 223, s. 37 (1).

Interest on
periodic
payments

(2) Where an order provides for periodic payments, each payment in default shall bear interest only from the date of default.

Interest on
orders
originating
outside
Ontario

(3) Where an order is based on an order given outside Ontario or an order of a court outside Ontario is filed with a court in Ontario for the purpose of enforcement, money owing under the order bears interest at the rate, if any, applicable to the order given outside Ontario by the law of the place where it was given.

Costs
assessed
without order

(4) Where costs are assessed without an order, the costs bear interest at the postjudgment interest rate in the same manner as if an order were made for the payment of costs on the date the person to whom the costs are payable became entitled to the costs.

Other
provision for
interest

(5) Interest shall not be awarded under this section where interest is payable by a right other than under this section. *New.*

Application

(6) Where an order for the payment of money is made before this section comes into force, this section does not apply and section 37 of the *Judicature Act*, being chapter 223 of the Revised Statutes of Ontario, 1980, continues to apply, notwithstanding section 187.

Discretion of
court

140. The court may, where it considers it just to do so, having regard to changes in market interest rates, the circumstances of the case, the conduct of the proceeding or any other relevant consideration,

(a) disallow interest under section 138 or 139;

(b) allow interest at a rate higher or lower than that provided in section 138 or 139;

- (c) allow interest for a period other than that provided in section 138 or 139,

in respect of the whole or any part of the amount on which interest is payable under section 138 or 139. R.S.O. 1980, c. 223, ss. 36 (6), 37 (2).

141.—(1) Subject to the provisions of an Act or rules of court, the costs of a proceeding or a step in a proceeding are in the discretion of the court, and the court may determine by whom and to what extent the costs shall be paid. R.S.O. 1980, c. 223, s. 80 (1). Costs

(2) In a proceeding to which Her Majesty is a party, costs awarded to Her Majesty shall not be disallowed or reduced on assessment merely because they relate to a barrister or solicitor who is a salaried officer of the Crown, and costs recovered on behalf of Her Majesty shall be paid into the Consolidated Revenue Fund. R.S.O. 1980, c. 223, s. 80 (5). Crown costs

APPEALS

142. A judge shall not sit as a member of a court hearing an appeal from his or her own decision. R.S.O. 1980, c. 223, ss. 42 (6), 46 (5). Judge not to hear appeal from own decision

143. No appeal lies without leave of the court to which the appeal is to be taken, Leave to appeal required

- (a) from an order made with the consent of the parties; or
- (b) where the appeal is only as to costs that are in the discretion of the court that made the order for costs on the ground that the discretion was wrongly exercised. R.S.O. 1980, c. 223, ss. 27, 80 (4).

144.—(1) Unless otherwise provided, a court to which an appeal is taken may, Powers on appeal

- (a) make any order or decision that ought to or could have been made by the court or tribunal appealed from;
- (b) order a new trial;
- (c) make any other order or decision that is considered just. R.S.O. 1980, c. 223, s. 29 (1).

Interim
orders

(2) On motion, a court to which an appeal is taken may make any interim order that is considered just to prevent prejudice to a party pending the appeal. *New.*

Power to
quash

(3) On motion, a court to which an appeal is taken may, in a proper case, quash the appeal. R.S.O. 1980, c. 223, s. 13 (1).

Determin-
ation of fact

(4) Unless otherwise provided, a court to which an appeal is taken may, in a proper case,

- (a) draw inferences of fact from the evidence, except that no inference shall be drawn that is inconsistent with a finding that has not been set aside;
- (b) receive further evidence by affidavit, transcript of oral examination, oral examination before the court or in such other manner as the court directs; and
- (c) direct a reference or the trial of an issue,

to enable the court to determine the appeal.

Scope of
decisions

(5) The powers conferred by this section may be exercised notwithstanding that the appeal is as to part only of an order or decision, and may be exercised in favour of a party even though the party did not appeal. R.S.O. 1980, c. 223, s. 29 (2, 3).

New trial

(6) A court to which an appeal is taken shall not direct a new trial unless some substantial wrong or miscarriage of justice has occurred.

Idem

(7) Where some substantial wrong or miscarriage of justice has occurred but it affects only part of an order or decision or some of the parties, a new trial may be ordered in respect of only that part or those parties. R.S.O. 1980, c. 223, ss. 30, 31.

PUBLIC ACCESS

Public
hearings

145.—(1) Subject to subsection (2) and rules of court, all court hearings shall be open to the public. R.S.O. 1980, c. 223, s. 117.

Exception

(2) The court may order the public to be excluded from a hearing where the possibility of serious harm or injustice to any person justifies a departure from the general principle that court hearings should be open to the public.

(3) Where a proceeding is heard in the absence of the public, disclosure of information relating to the proceeding is not contempt of court unless the court expressly prohibited the disclosure of the information. *New.*

Disclosure of information

146.—(1) Subject to subsections (2) and (3), no person shall,

Prohibition against photography, etc., at court hearing

- (a) take or attempt to take a photograph, motion picture, audio recording or other record capable of producing visual or aural representations by electronic means or otherwise,
 - (i) at a court hearing,
 - (ii) of any person entering or leaving the room in which a court hearing is to be or has been convened, or
 - (iii) of any person in the building in which a court hearing is to be or has been convened where there is reasonable ground for believing that the person is there for the purpose of attending or leaving the hearing; or

- (b) publish, broadcast, reproduce or otherwise disseminate a photograph, motion picture, audio recording or record taken in contravention of clause (a).

(2) Nothing in subsection (1),

Exceptions

- (a) prohibits a person from unobtrusively making handwritten notes or sketches at a court hearing; or
- (b) prohibits a solicitor or party acting in person from unobtrusively making an audio recording at a court hearing that is used only for the purposes of the litigation as a substitute for notes.

(3) Subsection (1) does not apply to a photograph, motion picture, audio recording or record made with authorization of the judge,

Exceptions

- (a) where required for the presentation of evidence or the making of a record or for any other purpose of the court hearing;
- (b) in connection with any investiture, naturalization, ceremonial or other similar proceeding; or

(c) with the consent of the parties and witnesses, for such educational or instructional purposes as the judge approves.

Offence

(4) Every person who contravenes this section is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 or to imprisonment for a term of not more than six months, or to both. R.S.O. 1980, c. 223, s. 67.

Documents public

147.—(1) On payment of the prescribed fee, a person is entitled to see any document filed in a civil proceeding in a court, unless an Act or an order of the court provides otherwise. R.S.O. 1980, c. 223, s. 129 (4).

Sealing documents

(2) A court may order that any document filed in a civil proceeding before it be treated as confidential, sealed and not form part of the public record. *New.*

Court lists public

(3) On payment of the prescribed fee, a person is entitled to see any list maintained by a court of civil proceedings commenced or judgments entered.

Copies

(4) On payment of the prescribed fee, a person is entitled to a copy of any document he or she is entitled to see. R.S.O. 1980, c. 223, s. 129 (1, 3).

MISCELLANEOUS

Multiplicity of proceedings

148. As far as possible, multiplicity of legal proceedings shall be avoided. R.S.O. 1980, c. 223, s. 18, par. 8.

Joint liability not affected by judgment or release

149.—(1) Where two or more persons are jointly liable in respect of the same cause of action, a judgment against or release of one of them does not preclude judgment against any other in the same or a separate proceeding.

Two proceedings in respect of same damage

(2) Where a person who has suffered damage brings two or more proceedings in respect of the damage, the person is not entitled to costs in any of the proceedings, except the first proceeding in which judgment is obtained, unless the court is of the opinion that there were reasonable grounds for bringing more than one proceeding. *New.*

Vexatious proceedings

150.—(1) Where a judge of the Supreme Court is satisfied, on application, that a person has persistently and without reasonable grounds,

(a) instituted vexatious proceedings in any court; or

- (b) conducted a proceeding in any court in a vexatious manner,

the judge may order that,

- (c) no further proceeding be instituted by the person in any court; or
- (d) a proceeding previously instituted by the person in any court not be continued,

except by leave of a judge of the Supreme Court.

(2) An application under subsection (1) shall be made only with the consent of the Attorney General, and the Attorney General is entitled to be heard on the application. R.S.O. 1980, c. 523, s. 1 (1, 2).

Attorney
General

(3) Where a person against whom an order under subsection (1) has been made seeks leave to institute or continue a proceeding, he or she shall do so by way of an application in the Supreme Court.

Application
for leave to
proceed

(4) Where an application for leave is made under subsection (3),

Leave to
proceed

- (a) leave shall be granted only if the court is satisfied that the proceeding sought to be instituted or continued is not an abuse of process and that there are reasonable grounds for the proceeding;
- (b) the person making the application for leave may seek the rescission of the order made under subsection (1) but may not seek any other relief on the application;
- (c) the court may rescind the order made under subsection (1);
- (d) the Attorney General is entitled to be heard on the application; and
- (e) no appeal lies from a refusal to grant relief to the applicant.

(5) Nothing in this section limits the authority of a court to stay or dismiss a proceeding as an abuse of process or on any other ground. *New.*

Abuse of
process

Protection
for acting
under court
order

151. A person is not liable for any act done in good faith in accordance with an order or process of a court in Ontario. R.S.O. 1980, c. 223, s. 142.

Enforcement
of bonds and
recognizances

152.—(1) A bond or recognizance arising out of a civil proceeding may be enforced in the same manner as an order for the payment of money by leave of a judge on motion by the Attorney General or any other person entitled to enforcement.

Enforcement
of fines for
contempt

(2) A fine for contempt of court may be enforced by the Attorney General in the same manner as an order for the payment of money or in any other manner permitted by law.

Enforcement
by sheriff

(3) The sheriff to whom a writ obtained under subsection (1) or (2) is directed shall proceed immediately to carry out the writ without a direction to enforce. R.S.O. 1980, c. 144.

Consul as
official
representative

153. Where a person who is ordinarily resident in a foreign country is entitled to money or property that is in the hands of a court or an executor or administrator, and if the foreign country has a consul in Canada who is authorized to act as the person's official representative, the money or property may be paid or delivered to the consul. R.S.O. 1980, c. 223, s. 113.

Seal of court

154.—(1) The courts shall have such seals as are approved by the Attorney General.

Idem

(2) Every document issued out of a court in a civil proceeding shall bear the seal of the court. R.S.O. 1980, c. 223, ss. 12, 94.

Jurisdiction
of Federal
Court

155. The Federal Court of Canada has jurisdiction,

(a) in controversies between Canada and Ontario;

(b) in controversies between Ontario and any other province in which an enactment similar to this section is in force,

PART IX

TRANSITIONAL PROVISIONS

156.—(1) This Act applies to all proceedings, whether commenced before or after this Act comes into force, subject to subsections (2) and (3) and except as otherwise provided.

Application
to all
proceedings

(2) Where a notice of appeal is delivered before this Act comes into force, the appeal shall be heard and determined by the court that had jurisdiction over the appeal before this Act comes into force.

Exception

(3) Where a proceeding is commenced before this Act comes into force, on motion, the court in which the proceeding was commenced may order, subject to such terms as are considered just and subject to variation by further order, that the proceeding or a step in the proceeding be conducted under the Acts and rules of court that governed the matter immediately before this Act comes into force or may make any other order that is considered just.

Exception

157.—(1) A proceeding commenced in a county or district court, a county or district court judge's criminal court or a court of general sessions of the peace and pending when Part II comes into force is continued in the District Court.

Continuation
of county
court
proceedings

(2) A reference in an Act or regulation to a county or district court or to a judge or the Chief Judge or Associate Chief Judge thereof shall be deemed to be a reference to the District Court or a judge, the Chief Judge or Associate Chief Judge thereof, respectively.

References to
county and
district courts

158.—(1) A proceeding commenced in a provincial court (criminal division), a provincial court (family division), a provincial offences court or a small claims court and pending when Part IV comes into force is continued in the Provincial Court (Criminal Division), the Provincial Court (Family Division), the Provincial Offences Court or the Provincial Court (Civil Division), respectively.

Continuation
of
proceedings
in provincial
courts

(2) A reference in an Act or regulation to a provincial court (criminal division), a provincial court (family division), a provincial offences court or a small claims court shall be deemed to be a reference to the Provincial Court (Criminal Division), the Provincial Court (Family Division), the Provincial Offences Court or the Provincial Court (Civil Division), respectively.

References to
provincial
courts

Reference to
territorial
jurisdiction

159. Where by an Act or regulation, jurisdiction is conferred on a particular county or district court, provincial court, provincial offences court or small claims court, the jurisdiction shall be deemed to be conferred on the District Court, Provincial Court, Provincial Offences Court or Provincial Court (Civil Division) sitting in the county or district of the court named.

PART X

COMPLEMENTARY AMENDMENTS TO STATUTE LAW

Changes in
terminology

160. A reference in any Act, rule or regulation, or order or other court process to a term set out in column 1 of the Table, or any form thereof, shall be deemed to refer to the corresponding term set out opposite thereto in column 2.

TABLE

<i>Column 1</i>	<i>Column 2</i>
1. administrator <i>ad litem</i>	1. litigation administrator
2. certificate of <i>lis pendens</i>	2. certificate of pending litigation
3. conduct money	3. attendance money
4. guardian <i>ad litem</i>	4. litigation guardian
5. next friend	5. litigation guardian
6. originating motion	6. application
7. originating notice	7. notice of application
8. <i>praecipe</i>	8. requisition
9. Rules of Practice and Procedure of the Supreme Court of Ontario made by the Rules Committee	9. Rules of Civil Procedure
10. special examiner	10. official examiner
11. taxation of costs	11. assessment of costs
12. taxing officer	12. assessment officer
13. writ of <i>fieri facias</i>	13. writ of seizure and sale
14. writ of summons	14. statement of claim or notice of action

161. Subsection 31 (1) of the *Arbitrations Act*, being chapter 25 of the Revised Statutes of Ontario, 1980, is repealed.

162. The *Bailiffs Act*, being chapter 37 of the Revised Statutes of Ontario, 1980, is amended by striking out "clerk of the

peace" where it occurs in sections 6, 7 and 12 and inserting in lieu thereof in each instance "sheriff".

163. Section 68 of the *Children's Law Reform Act*, being chapter 68 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1982, chapter 20, section 1, is repealed.

164. The *Constitutional Questions Act*, being chapter 86 of the Revised Statutes of Ontario, 1980, is repealed.

165.—(1) Clause 51 (2) (a) of the *Construction Lien Act*, 1983, being chapter 6, is amended by striking out "having jurisdiction" in the first line and inserting in lieu thereof "sitting".

(2) Clauses 51 (2) (b) and (c) of the said Act are repealed and the following substituted therefor:

- (b) on consent of the persons to whom a notice of trial must be given and on the order of a local judge sitting in the county or district referred to in clause (a), by a local judge sitting in another county or district, but not in the Judicial District of York; or
- (c) where upon motion a local judge sitting in the county or district referred to in clause (a) so orders, by a judge of the court at the regular sittings of the court for the trial of actions in that county or district.

(3) Clause 52 (1) (b) of the said Act is repealed and the following substituted therefor:

- (b) a master assigned to the county or district in which the premises or part thereof are situate or a commissioner appointed under section 24 of the *Courts of Justice Act*, 1984, where the premises are situate outside the Judicial District of York.

1984, c. 11

(4) Clause 52 (1) (c) of the said Act is amended by striking out "the" in the first line and inserting in lieu thereof "a".

(5) Subsection 52 (2) of the said Act is amended by striking out "appointed local master" in the first line and inserting in lieu thereof "commissioner".

(6) Clause 52 (2) (b) of the said Act is amended by striking out "appointed local master" in the second line and inserting in lieu thereof "commissioner".

(7) Clause 52 (2) (c) of the said Act is amended by striking out "originating".

(8) Subsection 52 (3) of the said Act is amended by striking out "appointed local master" in the second line and inserting in lieu thereof "commissioner".

(9) Section 53 of the said Act is amended by striking out "an appointed local master" in the second line and inserting in lieu thereof "commissioner".

(10) Section 54 of the said Act is amended by striking out "an appointed local master" in the first and second lines and inserting in lieu thereof "commissioner".

(11) Subsection 55 (1) of the said Act is amended by striking out "filing" in the first line and inserting in lieu thereof "issuing" and by striking out "registrar or" in the second line.

(12) Subsection 55 (2) of the said Act is amended by striking out "filed" in the second line and inserting in lieu thereof "issued".

(13) Subsection 56 (2) of the said Act is repealed and the following substituted therefor:

Noting in default

(2) Where a person against whom a claim is made in a statement of claim, counterclaim, crossclaim or third party claim defaults in the delivery of a defence to that claim, the person against whom the claim is made may be noted in default.

(14) Subsection 56 (3) of the said Act is amended by striking out "pleadings have been noted closed against a defendant or third party" in the first and second lines and inserting in lieu thereof "a defendant or third party has been noted in default".

(15) Subsection 56 (4) of the said Act is amended by striking out "against whom pleadings have been noted closed" in the second and third lines and inserting in lieu thereof "who has been noted in default" and by striking out "proceeding in respect of" in the seventh line and inserting in lieu thereof "step in".

(16) Subsection 56 (5) of the said Act is repealed.

(17) Section 58 of the said Act is amended by striking out "proceedings" where it occurs in the first line and in the third

line of paragraph 3 and inserting in lieu thereof "claims" in each instance.

(18) Clause 60 (1) (b) of the said Act is repealed and the following substituted therefor:

- (b) a local judge may refer to a master assigned to the county or district in which the trial is to take place or a commissioner appointed under section 24 of the *Courts of Justice Act, 1984*.

1984, c. 11

(19) Subsection 60 (1) of the said Act is amended by striking out "under section 71 of the *Judicature Act*" in the ninth line.

(20) Clause 60 (2) (b) of the said Act is repealed and the following substituted therefor:

- (b) a local judge may direct a reference to a master assigned to the county or district in which the trial is to take place or to a commissioner.

(21) Subsection 60 (2) of the said Act is amended by striking out "under section 70 or 71 of the *Judicature Act*" in the sixth line.

(22) Subsection 60 (3) of the said Act is amended by striking out "local master" in the second line and inserting in lieu thereof "commissioner".

(23) Subsection 63 (6) of the said Act is repealed and the following substituted therefor:

(6) Rule 50 of the Rules of Civil Procedure does not apply to an action under this Act.

Non-application of Rule 50

(24) Clause 64 (1) (b) of the said Act is amended by striking out "an appointed local master of the court" in the second and third lines and inserting in lieu thereof "commissioner".

(25) Subsection 64 (2) of the said Act is amended by striking out "proceedings" in the third line and inserting in lieu thereof "action".

(26) Subsection 64 (3) of the said Act is amended by striking out "an appointed local master" in the first line and inserting in lieu thereof "commissioner" and by striking out "appeal" in the fourth line and inserting in lieu thereof "a motion to oppose confirmation of the report".

(27) Subsection 69 (2) of the said Act is amended by striking out "proceedings" where it occurs in the first line and in the third line and inserting in lieu thereof "steps" in each instance.

(28) Subsection 69 (6) of the said Act is amended by striking out "interlocutory" in the fourth line.

(29) Subsections 73 (1) and (2) of the said Act are repealed and the following substituted therefor:

Appeal to
Divisional
Court

(1) Subject to subsection (3), an appeal lies to the Divisional Court from a judgment or an order on a motion to oppose confirmation of a report under this Act.

Notice of
appeal

(2) A party wishing to appeal shall file and serve his notice of appeal within fifteen days of the date of the judgment or order, but the time for filing or serving the notice of appeal may be extended by the written consent of all parties, or by a single judge of the Divisional Court where an appropriate case is made out for doing so.

(30) Clause 73 (3) (a) of the said Act is amended by inserting after "or" in the first line "an order on a motion to oppose confirmation of".

(31) Subsection 88 (1) of the said Act is amended by striking out "an appointed local master" in the eighteenth and nineteenth lines and inserting in lieu thereof "commissioner".

(32) Subsection 88 (3) of the said Act is repealed.

(33) Subsection 89 (3) of the said Act is repealed.

166. Subsection 3 (6) of the *Coroners Act*, being chapter 93 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

Crown
attorney
notified of
appointment

(6) A copy of the order appointing a coroner shall be sent by the Minister to the Crown attorney of any county or district in which the coroner will ordinarily act.

167. The *County Court Judges' Criminal Courts Act*, being chapter 99 of the Revised Statutes of Ontario, 1980, is repealed.

168. The *County Courts Act*, being chapter 100 of the Revised Statutes of Ontario, 1980 and the *County Courts Amendment Act*, 1981, being chapter 24, are repealed.

169. The *County Judges Act*, being chapter 101 of the Revised Statutes of Ontario, 1980, is repealed.

170.—(1) Section 6 of the *Crown Attorneys Act*, being chapter 107 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Subclauses 12 (b) (ii) and (iii) of the said Act are repealed and the following substituted therefor:

(ii) at sittings of the District Court, and

(3) Clause 12 (i) of the said Act is repealed.

(4) Section 14 of the said Act is amended by striking out “and clerk of the peace” in the second and third lines.

(5) Section 15 of the said Act is amended by striking out “and clerk of the peace” in the first line.

171. Section 19 of the *Developmental Services Act*, being chapter 118 of the Revised Statutes of Ontario, 1980, is repealed.

172. Subsection 2 (3) of the *Disorderly Houses Act*, being chapter 120 of the Revised Statutes of Ontario, 1980, is amended by striking out “clerk of the peace” in the second line and inserting in lieu thereof “local registrar of the District Court”.

173. The *Dominion Courts Act*, being chapter 125 of the Revised Statutes of Ontario, 1980, is repealed.

174. Section 26 of the *Estates Administration Act*, being chapter 143 of the Revised Statutes of Ontario, 1980, is repealed.

175. The *Estreats Act*, being chapter 144 of the Revised Statutes of Ontario, 1980, is repealed.

176.—(1) Section 48 of the *Evidence Act*, being chapter 145 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following subsection:

(2) An examination or deposition received or read in evidence under subsection (1) shall be presumed to represent accurately the evidence of the party or witness, unless there is good reason to doubt its accuracy.

Presumption

(2) Subsection 60 (1) of the said Act is amended by inserting after "process" in the fifth line "for a purpose for which a letter of request could be issued under the Rules of Civil Procedure".

177.—(1) The *Execution Act*, being chapter 146 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following sections:

Execution of
writ of
seizure and
sale

19a.—(1) A sheriff acting under a writ of seizure and sale, a writ of delivery or a writ of sequestration may use reasonable force to enter land and premises other than a dwelling where he believes, on reasonable and probable grounds, that there is property liable to be taken in execution under the writ and may use reasonable force to execute the writ.

Idem,
dwelling

(2) A sheriff acting under a writ of seizure and sale, a writ of delivery or a writ of sequestration in respect of property on premises that is used as a dwelling shall not use force to enter the dwelling or execute the writ except under the authority of an order of the court by which the writ was issued, and the court may make the order where in the opinion of the court there is reasonable and probable grounds to believe that there is property on the premises that is liable to be taken in execution under the writ.

Execution of
writ of
possession

19b.—(1) A sheriff acting under a writ of possession may use reasonable force to enter and take possession of the land and premises referred to in the writ.

Idem

(2) In executing a writ of possession it is not necessary to remove personal property from the land and premises.

(2) Section 25 of the said Act is repealed.

(3) The said Act is further amended by adding thereto the following section:

Execution
against
partner

29a. Under an execution against a partner in his personal capacity, partnership assets shall not be taken in execution, but an order may be made appointing a receiver of the partner's share of profits whether already declared or accruing and of any other money that may be coming to him in respect of the partnership.

178. The *Extra-Judicial Services Act*, being chapter 149 of the Revised Statutes of Ontario, 1980, is repealed.

179.—(1) Subsection 2 (6) of the *Family Law Reform Act*, being chapter 152 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Clause 25 (1) (b) of the said Act is repealed and the following substituted therefor:

- (b) it appears to the court that the respondent resides in another county or district; and

(3) Subsection 25 (6) of the said Act is repealed and the following substituted therefor:

(6) Where the respondent appears before the court and the court, having regard to all the evidence, is of the opinion that the order ought not to be confirmed, the court shall remit the case to the court sitting in the county or district where the order was made together with a statement of the reasons for so doing, and in that event the court sitting in the county or district where the order was made may dispose of the application in such manner as it considers proper.

Where order
not
confirmed

(4) Section 30 of the said Act is repealed.

180. Section 3 of the *Fines and Forfeitures Act*, being chapter 162 of the Revised Statutes of Ontario, 1980, is amended by striking out “court of general sessions of the peace” in the fifth and sixth lines and inserting in lieu thereof “District Court”.

181. The *General Sessions Act*, being chapter 187 of the Revised Statutes of Ontario, 1980, is repealed.

182. Subsection 1 (1) of the *Habeas Corpus Act*, being chapter 193 of the Revised Statutes of Ontario, 1980, is amended by striking out “court of general sessions of the peace” in the third and fourth lines and inserting in lieu thereof “District Court”.

183. Subsection 180 (3) of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(3) Notwithstanding subsections (1) and (2), when an action is brought within the time limited by this Act for the recovery of damages occasioned by a motor vehicle and a counterclaim, crossclaim or third or subsequent party claim is commenced by a defendant in respect of damages occasioned in the same

Action for
damages

accident, the lapse of time herein limited is not a bar to the counterclaim, crossclaim or third or subsequent party claim.

184.—(1) The *Interpretation Act*, being chapter 219 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

DEATH OF SOVEREIGN

Death of
Sovereign

19a. Where a reigning Sovereign dies, no rule or construction of law shall be applied so as to prevent the continuation of any matter under the successor to the Crown as if the death had not occurred.

(2) Sections 28 and 29 of the said Act are repealed.

(3) Paragraph 31 of section 30 of the said Act is amended by striking out “*Judicature Act*” in the second line and inserting in lieu thereof “*Courts of Justice Act, 1984*”.

(4) Section 31 of the said Act is amended by striking out “*Judicature Act*” in the first line and inserting in lieu thereof “*Courts of Justice Act, 1984*”.

185. Clause 1 (c) of the *Interprovincial Subpoenas Act*, being chapter 220 of the Revised Statutes of Ontario, 1980, is amended by striking out “or hearing” in the fourth line and inserting in lieu thereof “hearing or examination”.

186. The *Judges’ Orders Enforcement Act*, being chapter 222 of the Revised Statutes of Ontario, 1980, is repealed.

187.—(1) The *Judicature Act*, being chapter 223 of the Revised Statutes of Ontario, 1980, the *Judicature Amendment Act, 1981*, being chapter 23, the *Judicature Amendment Act, 1983*, being chapter 3, section 1 of the *Provincial Judges and Masters Statute Law Amendment Act, 1983*, being chapter 78, subsection 106 (1) of *The Judicature Act*, being chapter 100 of the Revised Statutes of Ontario, 1937 and subsection 3 (1) of *The Judicature Amendment Act, 1941*, being chapter 24, are repealed .

Suitors
Fee Fund
Account
abolished

(2) The Suitors Fee Fund Account is abolished and all money in the account shall be paid into the Consolidated Revenue Fund.

188. Section 11 of the *Judicial Review Procedure Act*, being chapter 224 of the Revised Statutes of Ontario, 1980, is repealed.

189.—(1) Subclause 5 (1) (a) (ii) of the *Juries Act*, being chapter 226 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Subsection 8 (2) of the said Act is amended by striking out “is designated in a county or district under section 130 of the *Judicature Act*” in the first and second lines and inserting in lieu thereof “is a designated court under clause 136 (1) (a) of the *Courts of Justice Act, 1984*”.

(3) Subsection 11 (1) of the said Act is amended by striking out “the jury roll for the nearest preceding year” in the fourth and fifth lines and inserting in lieu thereof “the jury rolls for the three nearest preceding years”.

(4) Subsection 12 (1) of the said Act is amended by striking out “or of the court of general sessions of the peace” in the fourth and fifth lines.

(5) Section 12 of the said Act is amended by adding thereto the following subsection:

(1a) Where the sittings of the Supreme Court and the District Court are to be held at the same time in the same county or district, a precept under subsection (1) may be issued jointly by a judge of the Supreme Court and a judge of the District Court.

Joint issuance
for Supreme
and District
Courts

(6) Subsection 14 (2) of the said Act is amended by striking out “or court of general sessions of the peace” in the third line.

(7) Sections 15 and 20 of the said Act are repealed.

(8) Subsection 21 (1) of the said Act is amended by striking out “registered” in the second line and inserting in lieu thereof “ordinary”.

(9) Subsection 23 (4) of the said Act is amended by striking out “of the Supreme Court for the trial of criminal matters and proceedings, or in the case of a sittings of the court of general sessions of the peace” in the first, second and third lines and inserting in lieu thereof “for the hearing of criminal proceedings”.

(10) Subsection 24 (2) of the said Act is amended by striking out “or the court of general sessions of the peace, or both” in the third and fourth lines.

(11) Subsection 26 (1) of the said Act is amended by striking out "or court of general sessions of the peace" in the fourth and fifth lines.

(12) Section 28 of the said Act is amended by striking out "courts of general sessions of the peace and of" in the sixth line.

(13) Section 35 of the said Act is amended by striking out "court of general sessions of the peace, and of the" in the second line.

(14) Clause 39 (1) (a) of the said Act is amended by striking out "the court of general sessions of the peace or of" in the second line.

(15) Subsection 42 (2) of the said Act is amended by striking out "or clerk of the peace" in the first line.

(16) Clause 43 (d) of the said Act is amended by striking out "clerk of the peace" in the first line.

(17) Section 46 of the said Act is amended by striking out "and the court of general sessions of the peace" in the second and third lines.

190. Subsection 135 (1) of the *Land Titles Act*, being chapter 230 of the Revised Statutes of Ontario, 1980, is repealed.

191.—(1) Section 11 of the *Libel and Slander Act*, being chapter 237 of the Revised Statutes of Ontario, 1980, is repealed.

(2) The said Act is amended by adding thereto the following section:

Plaintiff's
character or
circumstances
of publication

22a. In an action for libel or slander, where the statement of defence does not assert the truth of the statement complained of, the defendant may not give evidence in chief at trial, in mitigation of damages, concerning the plaintiff's character or the circumstances of publication of the statement, except,

- (a) where the defendant provides particulars to the plaintiff of the matters on which he intends to give evidence, in the statement of defence or in a notice served at least seven days before trial; or
- (b) with leave of the court.

192. Clause 1 (a) of the *Marine Insurance Act*, being chapter 255 of the Revised Statutes of Ontario, 1980, is repealed.

193. The *Matrimonial Causes Act*, being chapter 258 of the Revised Statutes of Ontario, 1980, is repealed.

194. Section 45 of the *Mental Health Act*, being chapter 262 of the Revised Statutes of Ontario, 1980, is repealed.

195.—(1) Section 6 of the *Mental Incompetency Act*, being chapter 264 of the Revised Statutes of Ontario, 1980, is amended by striking out “the confirmation of” in the fourth and fifth lines and by striking out “confirmation” in the fifth and sixth lines and inserting in lieu thereof “propounding”.

(2) Subsection 12 (1) of the said Act is amended by striking out the words following clause (c) in the eleventh, twelfth, thirteenth and fourteenth lines.

(3) Subsection 12 (2) of the said Act is repealed.

(4) Subsection 12 (3) of the said Act is amended by striking out “and any such appointment need not be confirmed” in the fourth line.

(5) Section 38 of the said Act is repealed.

196.—(1) Subsection 41 (2) of the *Mortgages Act*, being chapter 296 of the Revised Statutes of Ontario, 1980, is amended by striking out “the clerk of the county or district court, or by the local master of” in the fifth and sixth lines and inserting in lieu thereof “an assessment officer in”.

(2) Subsection 41 (4) of the said Act is amended by striking out “one of the taxing officers of the Supreme Court at Toronto or by a local master having jurisdiction in the county or district in which the mortgaged property or any part of it is situate” in the third, fourth, fifth and sixth lines and inserting in lieu thereof “an assessment officer”.

197. Section 13 of the *Municipal Arbitrations Act*, being chapter 304 of the Revised Statutes of Ontario, 1980, is repealed.

198. Section 1 of the *Negligence Act*, being chapter 315 of the Revised Statutes of Ontario, 1980, is repealed.

199. Subsections 95 (1), (2) and (3) of the *Ontario Municipal Board Act*, being chapter 347 of the Revised Statutes of

Ontario, 1980, are repealed and the following substituted therefor:

Appeal

(1) Subject to the provisions of Part IV, an appeal lies from the Board to the Divisional Court, with leave of the Divisional Court, on a question of law.

200.—(1) Subsection 3 (1) of the *Partition Act*, being chapter 369 of the Revised Statutes of Ontario, 1980, is amended by striking out “appointed by a surrogate court” in the second line and by striking out “take proceedings” in the third line and inserting in lieu thereof “bring an action or make an application”.

(2) Subsection 4 (1) of the said Act is amended by striking out “application” in the fourth line and inserting in lieu thereof “motion”.

(3) Subsection 4 (3) of the said Act is amended by striking out “application” in the third line and inserting in lieu thereof “motion”.

(4) Subsection 5 (1) of the said Act is amended by striking out “an action or proceeding” in the first line and in the second line and inserting in lieu thereof in each instance “a proceeding”.

(5) Subsection 7 (1) of the said Act is amended by striking out “proceedings under this Act are” in the first line and inserting in lieu thereof “an application under this Act is”.

201. Section 44 of the *Police Act*, being chapter 381 of the Revised Statutes of Ontario, 1980, is repealed.

202. Subsections 3 (1), (2) and (7), subsection 6 (1), section 7, subsection 12 (2) and sections 50 and 53 of the *Private Sanitary Act*, being chapter 391 of the Revised Statutes of Ontario, 1980, are amended by striking out “clerk of the peace” in each instance where it occurs and inserting in lieu thereof “Crown attorney”.

203.—(1) Section 3 of the *Proceedings Against the Crown Act*, being chapter 393 of the Revised Statutes of Ontario, 1980, is amended by striking out “Except as provided in section 29” in the first line.

(2) Section 14 of the said Act is repealed and the following substituted therefor:

14. In proceedings under this Act, a document to be served personally on the Crown shall be served by leaving a copy of the document with a solicitor in the Crown Law Office (Civil Law) of the Ministry of the Attorney General.

Service on
the Crown

(3) Section 26 of the said Act is repealed and the following substituted therefor:

26. The Treasurer of Ontario shall pay out of the Consolidated Revenue Fund the amount payable by the Crown under an order of a court that is final and not subject to appeal or under a settlement of a proceeding in a court.

Payment by
Crown

204.—(1) The title to the *Provincial Courts Act*, being chapter 398 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

JUVENILE OBSERVATION AND DETENTION HOMES ACT

(2) Section 31 of the said Act is amended by striking out “a provincial court (family division)” in the first and second lines and inserting in lieu thereof “the Provincial Court (Family Division) or the Unified Family Court”.

(3) Sections 1 to 26, sections 32 and 33 and clauses 34 (1) (a), (b), (c), (d), (e), (f), (l) and (m) of the said Act are repealed.

(4) The following are repealed:

1. *The Provincial Courts Amendment Act, 1982*, being chapter 22.
2. *The Provincial Courts Amendment Act, 1983*, being chapter 85.
3. *Section 2 of the Provincial Offences Statute Law Amendment Act, 1983*, being chapter 80.
4. *Section 2 of the Provincial Judges and Masters Statute Law Amendment Act, 1983*, being chapter 78.

205. *The Provincial Court (Civil Division) Act*, being chapter 397 of the Revised Statutes of Ontario, 1980 and *the Provincial Court (Civil Division) Project Amendment Act, 1982*, being chapter 58, are repealed.

206.—(1) Subsection 76 (1) of *the Provincial Offences Act*, being chapter 400 of the Revised Statutes of Ontario, 1980, is

amended by inserting after "prescribed" in the second line "by or under any Act".

(2) Section 114 of the said Act is amended by adding thereto the following subsection:

Appeal as to leave

(3) No appeal or review lies from a decision on a motion for leave to appeal under subsection (1).

(3) Section 122 of the said Act is amended by adding thereto the following subsection:

Appeal as to leave

(4) No appeal or review lies from a decision on a motion for leave to appeal under subsection (1).

207. The *Public Officers' Fees Act*, being chapter 416 of the Revised Statutes of Ontario, 1980, is repealed.

208. The *Quieting Titles Act*, being chapter 427 of the Revised Statutes of Ontario, 1980, is repealed.

209. Section 7 of the *Reciprocal Enforcement of Judgments Act*, being chapter 432 of the Revised Statutes of Ontario, 1980, is repealed.

210. The *Replevin Act*, being chapter 449 of the Revised Statutes of Ontario, 1980, is repealed.

211. Clause 1 (1) (a) of the *Sale of Goods Act*, being chapter 462 of the Revised Statutes of Ontario, 1980, is repealed.

212.—(1) Sections 1 and 2 of the *Sheriffs Act*, being chapter 470 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

Sheriffs

1.—(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint a sheriff for each county and district and additional sheriffs for such counties and districts as are indicated in the appointment.

Deputy sheriffs

(2) With the approval of the Attorney General, every sheriff may appoint in writing a deputy sheriff who may exercise and perform all the powers and duties of the sheriff.

Enforcement of court orders

2. Except where a statute provides otherwise, orders of a court enforceable in Ontario shall be directed to the sheriff for enforcement.

(2) Subsection 11 (3) of the said Act is repealed.

(3) Section 12 of the said Act is repealed and the following substituted therefor:

12. Every sheriff's office shall be open for business on the days and during the hours that court offices are required to be open under the Rules of Civil Procedure.

Office hours

(4) Section 17 of the said Act is amended by striking out "the court of general sessions of the peace" in the third line.

(5) Section 21 of the said Act is repealed.

213. The *Small Claims Courts Act*, being chapter 476 of the Revised Statutes of Ontario, 1980 and the *Small Claims Courts Amendment Act*, 1983, being chapter 22, are repealed.

214.—(1) Subsection 6 (5) of the *Solicitors Act*, being chapter 478 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(5) The amount certified to be due shall be paid by the party liable to pay the amount, forthwith after confirmation of the certificate in the same manner as confirmation of a referee's report under the Rules of Civil Procedure.

When payment due

(2) Section 6 of the said Act is amended by adding thereto the following subsection:

(10) A motion to oppose confirmation of the certificate shall be made to a judge of the High Court.

Motion to oppose confirmation

(3) The said Act is amended by adding thereto the following section:

6a.—(1) Upon assessment between a solicitor and his client, the assessment officer may allow the costs of steps taken in proceedings that were in fact unnecessary where he is of the opinion that the steps were taken by the solicitor because, in his judgment, reasonably exercised, they were conducive to the interests of his client, and may allow the costs of steps that were not calculated to advance the interests of the client where the steps were taken by the desire of the client after being informed by his solicitor that they were unnecessary and not calculated to advance his interests.

Costs of unnecessary steps in proceedings

(2) Subsection (1) does not apply to solicitor and client costs payable out of a fund not wholly belonging to the client, or by a third party.

Application

(4) Section 14 of the said Act is repealed.

(5) Subsection 35 (3) of the said Act, as enacted by the Statutes of Ontario, 1983, chapter 21, is amended by striking out "section 36 of the *Judicature Act*" in the second and third lines and inserting in lieu thereof "for the purpose of section 138 of the *Courts of Justice Act, 1984*".

(6) The said Act is further amended by adding thereto the following section:

SOLICITORS' CHARGING ORDERS

Charge on
property for
costs

35a.—(1) Where a solicitor has been employed to prosecute or defend a proceeding in the Supreme Court or the District Court, the court may, on motion, declare the solicitor to be entitled to a charge on the property recovered or preserved through the instrumentality of the solicitor for the solicitor's fees, costs, charges and disbursements in the proceeding.

Conveyance
to defeat is
void

(2) A conveyance made to defeat or which may operate to defeat a charge under subsection (1) is, unless made to a person who purchased the property for value in good faith and without notice of the charge, void as against the charge.

Assessment
and recovery

(3) The court may order that the solicitor's bill for services be assessed in accordance with this Act and that payment shall be made out of the charged property.

(7) Subsection (5) does not apply to bills delivered or overpayments made before this Act comes into force.

215.—(1) Section 3 of the *Surrogate Courts Act*, being chapter 491 of the Revised Statutes of Ontario, 1980, is repealed.

(2) Section 6 of the said Act is amended by striking out "\$100" in the fourth line and inserting in lieu thereof "\$10,000".

(3) Section 7 of the said Act is amended by striking out "and, except as herein otherwise provided and subject to the surrogate court rules in contentious matters, the practice and procedure of" in the first, second, third and fourth lines.

(4) Section 10 of the said Act is repealed.

(5) Subsections 12 (1) and (2) of the said Act are repealed and the following substituted therefor:

(1) The Lieutenant Governor in Council, on the recommendation of the Attorney General, may appoint a registrar of the surrogate court for each county and district and additional registrars for such counties and districts as are indicated in the appointment.

Registrars

(2) With the approval of the Attorney General, every surrogate court registrar may appoint in writing a deputy surrogate court registrar who may exercise and perform all the powers and duties of the surrogate court registrar.

Deputy registrars

(6) Sections 13, 16 and 19 of the said Act are repealed.

(7) Section 80 of the said Act is repealed and the following substituted therefor:

80.—(1) Subject to the approval of the Lieutenant Governor in Council, the Rules Committee of the Supreme and District Courts may make rules for the surrogate courts in relation to the practice and procedure of the courts and may make rules for such courts, even though they alter or conform to the substantive law, in relation to,

Rules

- (a) conduct of proceedings in the courts;
- (b) joinder of claims and parties;
- (c) commencement of proceedings and service of process in or outside Ontario;
- (d) duties of registrars and other officers;
- (e) costs of proceedings, including security for costs;
- (f) any matter that is referred to in an Act as provided for by rules of court.

(2) Nothing in subsection (1) authorizes the making of rules that conflict with an Act, but rules may be made under subsection (1) supplementing the provisions of an Act in respect of practice and procedure.

Idem

(3) The Rules of Civil Procedure apply to surrogate courts, except in so far as the rules of the surrogate courts otherwise provide.

Application
of Rules of
Civil
Procedure

216.—(1) Subsection 37 (7) of the *Trustee Act*, being chapter 512 of the Revised Statutes of Ontario, 1980, is amended by striking out “Registrar of the Supreme Court” in the second

line and inserting in lieu thereof "Surrogate Clerk for Ontario".

(2) Subsection 37 (8) of the said Act is amended by striking out "Registrar of the Supreme Court" in the second line and inserting in lieu thereof "Surrogate Clerk for Ontario".

(3) Subsections 38 (3), (4), (5) and (6) of the said Act are repealed.

217. The *Unified Family Court Act*, being chapter 515 of the Revised Statutes of Ontario, 1980, section 5 of the *Children's Law Reform Amendment Act*, 1982, being chapter 20, the *Unified Family Court Amendment Act*, 1982, being chapter 21, section 3 of the *Provincial Offences Statute Law Amendment Act*, 1983, being chapter 80, the *Unified Family Court Amendment Act*, 1982, being chapter 21 and the *Unified Family Court Amendment Act*, 1983, being chapter 86, are repealed.

218. The *Vexatious Proceedings Act*, being chapter 523 of the Revised Statutes of Ontario, 1980, is repealed.

219. Clause 1 (a) of the *Warehouse Receipts Act*, being chapter 528 of the Revised Statutes of Ontario, 1980, is repealed.

220. Section 39 of the *Woodmen's Lien for Wages Act*, being chapter 537 of the Revised Statutes of Ontario, 1980, is repealed.

Commencement

221. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

222. The short title of this Act is the *Courts of Justice Act*, 1984.

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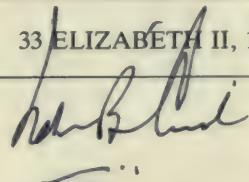
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Bill 101

4TH SESSION, 32ND LEGISLATURE, ONTARIO

33 ELIZABETH II, 1984



Bill 101

*(Chapter 58
Statutes of Ontario, 1984)*

An Act to amend the Workers' Compensation Act

The Hon. R. H. Ramsay

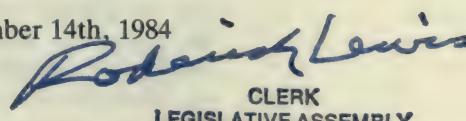
Minister of Labour

1st Reading June 12th, 1984

2nd Reading June 19th, 1984

3rd Reading December 14th, 1984

Royal Assent December 14th, 1984



Rodaigh Lewis

CLERK
LEGISLATIVE ASSEMBLY

Bill 101**1984****An Act to amend the Workers' Compensation Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clause 1 (1) (b) of the *Workers' Compensation Act*, being chapter 539 of the Revised Statutes of Ontario, 1980, is repealed and the following substituted therefor:

(b) “accident fund” means the fund established by this Act for the payment of benefits under Schedule 1, the costs and expenses of the administration of this Act, and such other costs and expenses as are directed by or under this or any other Act to be paid out of the accident fund, including all expenses arising out of the establishment, maintenance and operation of mine rescue stations under the *Occupational Health and Safety Act*;

R.S.O. 1980,
c. 321

(ba) “Appeals Tribunal” means the Workers’ Compensation Appeals Tribunal;

(bb) “average earnings” means the average earnings of a worker determined by the Board under section 43.

(2) Clause 1 (1) (d) of the said Act is repealed.

(3) Clauses 1 (1) (g) and (h) of the said Act are repealed.

(4) Clause 1 (1) (k) of the said Act is repealed and the following substituted therefor:

(k) “employer” includes every person having in the person’s service under a contract of hiring or apprenticeship, written or oral, express or implied, any person engaged in any work in or about an industry and includes,

- (i) the Crown in right of Ontario and any permanent board or commission appointed by the Crown in right of Ontario,
- (ii) a trustee, receiver, liquidator, executor or administrator who carries on an industry,
- (iii) a person who authorizes or permits a learner to be in or about an industry for the purpose mentioned in clause (q).

(5) Clauses 1 (1) (n) and (o) of the said Act are repealed and the following substituted therefor:

- (n) "industrial disease" includes,
 - (i) a disease resulting from exposure to a substance relating to a particular process, a trade or occupation in an industry,
 - (ii) a disease peculiar to or characteristic of a particular industrial process, trade or occupation,
 - (iii) a medical condition that in the opinion of the Board requires a worker to be removed either temporarily or permanently from exposure to a substance because the condition may be a precursor to an industrial disease, or
 - (iv) any of the diseases mentioned in Schedule 3 or 4;
- (o) "industry" includes an establishment, undertaking, trade, business or service and, where domestics are employed, includes a household.

(6) Clause 1 (1) (t) of the said Act is repealed and the following substituted therefor:

- (t) "member of the family" means a spouse, father, mother, grandfather, grandmother, stepfather, stepmother, son, daughter, grandson, granddaughter, stepson, stepdaughter, brother, sister, half-brother or half-sister, and includes a person who stood *in loco parentis* to the worker or to whom the worker stood *in loco parentis*, whether related to the worker by consanguinity or not so related.

(7) Subsection 1 (1) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 61, section 3, is further amended by adding thereto the following clause:

(xa) "spouse" means either of a man and woman who, at the time of death of the one who was the worker, were cohabiting and,

(i) were married to each other, or

(ii) not being married, had cohabited with each other immediately preceding the death,

(A) for a period of not less than five years, or

(B) in a relationship of some permanence, where there is a child born of whom they are the natural parents.

(8) Clause 1 (1) (z) of the said Act, as enacted by the Statutes of Ontario, 1982, chapter 61, section 3, is repealed and the following substituted therefor:

(z) "worker" includes a person who has entered into or is employed under a contract of service or apprenticeship, written or oral, express or implied, whether by way of manual labour or otherwise, and includes,

(i) a learner,

(ii) a member of a municipal volunteer fire brigade or a municipal volunteer ambulance brigade,

(iii) a person deemed to be a worker of an employer by a direction or order of the Board,

(iv) a person summoned to assist in controlling or extinguishing a fire by an authority empowered to do so,

(v) a person who assists in any search and rescue operation at the request of and under the direction of a member of the Ontario Provincial Police Force,

(vi) a person who assists in connection with an emergency that has been declared to exist by the head of council of a municipality or the Premier of Ontario,

(vii) an auxiliary member of a police force,

but does not include an outworker, an executive officer of a corporation, or a person whose employment is of a casual nature and who is employed otherwise than for the purposes of the employer's industry.

(9) Subsection 1 (2) of the said Act is repealed and the following substituted therefor:

Deemed
employer

(2) For the purpose of this Act,

- (a) an authority who summons a person to assist in controlling or extinguishing a fire as mentioned in subclause (1) (z) (iv), shall be deemed to be the employer of the person;
- (b) the Crown in right of Ontario shall be deemed to be the employer of a person who assists in any search and rescue operation as mentioned in subclause (1) (z) (v); and
- (c) where the head of council of a municipality or the Premier of Ontario declares an emergency to exist as mentioned in subclause (1) (z) (vi), the municipality or the Crown in right of Ontario, as the case may be, shall be deemed to be the employer of the person,

and the earnings of the person shall be the earnings in the person's regular employment calculated in accordance with this Act or, if the person has no earnings, the earnings shall be fixed by the Board.

(10) Subsection 1 (4) of the said Act is amended by striking out "under section 44" in the thirteenth line and inserting in lieu thereof "determined by the Board" and by striking out "subsection 45 (1)" in the fourteenth and fifteenth lines and inserting in lieu thereof "section 41".

2. Section 2 of the said Act is repealed and the following substituted therefor:

2. A reference in this Act to Schedule 1, 2, 3 or 4, is a reference to Schedule 1, 2, 3 or 4, as the case may be, in the regulations.

Schedules

2a. Where the services of a worker are temporarily lent or hired out to another person by the person with whom the worker has entered into a contract of service, the latter is deemed to continue to be the employer of the worker while the worker is working for the other person.

Seconded workers

3. Section 3 of the said Act is repealed and the following substituted therefor:

3.—(1) Where in any employment, to which this Part applies, personal injury by accident arising out of and in the course of employment is caused to a worker, the worker and the worker's dependants are entitled to benefits in the manner and to the extent provided under this Act.

Compensation to worker and dependants

(2) Where a worker is entitled to compensation for loss of earnings because of an accident, the employer shall pay to or on behalf of the worker the wages and benefits that the worker would have earned for the day or shift on which the injury occurred as though the injury had not occurred.

Wages for day of accident

(3) Where the accident arose out of the employment, unless the contrary is shown, it shall be presumed that it occurred in the course of the employment and, where the accident occurred in the course of the employment unless the contrary is shown, it shall be presumed that it arose out of the employment.

Presumptions

(4) In determining any claim under this Act, the decision shall be made in accordance with the real merits and justice of the case and where it is not practicable to determine an issue because the evidence for or against the issue is approximately equal in weight, the issue shall be resolved in favour of the claimant.

Decisions to favour claimant

(5) Where the worker has not been paid the wages and benefits prescribed by subsection (2), the Board shall pay to or on behalf of the worker the wages and benefits prescribed by subsection (2).

Payment under subs. (2)

(6) Every employer who makes default in paying the wages and benefits prescribed by subsection (2) shall, in addition to any other penalty or liability, pay to the Board a sum equal to the amount of such wages and benefits and payment of such amount may be enforced in the same manner as the payment of an assessment may be enforced.

Idem

Serious and
wilful
misconduct

(7) Where an injury is attributable solely to the serious and wilful misconduct of the worker, no benefits or compensation are payable unless the injury results in death or serious disability.

4. Section 5, subsections 6 (8) and 9 (2), sections 20, 33, 52, 82 and 115 and subsections 121 (1) and 122 (11) of the said Act are amended by striking out "medical aid" wherever that expression occurs and inserting in lieu thereof in each instance "health care".

5.—(1) Subsection 8 (1) of the said Act, is amended by inserting after "employer" in the fourth line "or an executive officer or director thereof".

(2) Subsection 8 (9) of the said Act is amended by inserting after "Schedule 1" in the fourth line "or any executive officer or any director".

(3) Subsections 8 (11) and (12) of the said Act are repealed and the following substituted therefor:

Damages

(11) In any action brought by a worker of an employer in Schedule 1 or dependant of such worker in any case within subsection (1) or maintained by the Board under subsection (4) and one or more of the persons found to be at fault or negligent is the employer of the worker in Schedule 1 or an executive officer or director thereof, or any other employer in Schedule 1, or an executive officer or director thereof, or any worker of any employer in Schedule 1, no damages, contribution or indemnity are recoverable for the portion of the loss or damage caused by the fault or negligence of such employer of the worker in Schedule 1 or an executive officer or director thereof, or of any other employer in Schedule 1 or executive officer or director thereof, or of any worker of any employer in Schedule 1, and the portion of the loss or damage so caused by the fault or negligence of such employer of the worker in Schedule 1 or an executive officer or director thereof, or of any other employer in Schedule 1 or an executive officer or director thereof, or of the worker of any employer in Schedule 1, shall be determined although such employer or executive officer or director or worker is not a party to the action.

Idem

(12) In any action brought by a worker of an employer in Schedule 2 or dependant of such worker in any case within subsection (1) or maintained by the employer of the worker under subsection (4) and one or more of the persons found to be at fault or negligent is the employer of the worker in Schedule 2 or an executive officer or director thereof, no damages, contribution or indemnity are recoverable for the

portion of the loss or damage caused by the fault or negligence of such employer or executive officer or director and the portion of the loss or damage so caused by the fault or negligence of such employer or executive officer or director shall be determined although such employer or executive officer or director is not a party to the action.

6. Section 14 of the said Act is amended by inserting after "worker" in the fourth line "or any executive officer thereof".

7. Section 15 of the said Act is repealed and the following substituted therefor:

15. Any party to an action may apply to the Appeals Tribunal for adjudication and determination of the question of the plaintiff's right to compensation under this Part, or as to whether the action is one the right to bring which is taken away by this Part, or whether the action is one in which the right to recover damages, contribution, or indemnity is limited by this Part, and such adjudication and determination is final and conclusive.

Determination
of right to
bring action

8. Sections 21 and 22 of the said Act are repealed and the following substituted therefor:

21.—(1) Subject to subsection (2), where an employer so requires, a worker who has made a claim for compensation or to whom compensation is payable under this Act shall submit to a medical examination by a medical practitioner selected, and paid for, by the employer.

Medical
examination

(2) Where a worker objects to the requirement of the employer to submit to a medical examination or to the nature and extent of the medical examination, being conducted by a medical practitioner the worker or the employer may, within a period of fourteen days of the objection having been made, apply to the Appeals Tribunal to hear and determine the matter and the Appeals Tribunal may set aside the requirement or order the worker to submit to and undergo a medical examination by a medical practitioner or make such further or other order as may be just.

Appeal

9. Section 36 of the said Act, as amended by the Statutes of Ontario, 1984, chapter 38, sections 1 and 2, is repealed and the following substituted therefor:

36.—(1) Where death results from an injury to a worker, a spouse who survives the worker shall be entitled to,

Compensa-
tion
in case of
death

- (a) compensation payable by way of a lump sum of \$40,000 increased by the addition of \$1,000 for each year of age of the spouse under forty years at the time of the worker's death or reduced by the subtraction of \$1,000 for each year of age of the spouse over forty years at the time of the workers' death, but in no case shall a spouse receive a lump sum payment of more than \$60,000 or less than \$20,000;
- (b) compensation by way of periodic payments in the manner and to the extent provided in this section; and
- (c) the same counselling and vocational assistance as would be provided to a worker under section 54.

Spouse with
children

- (2) Where a deceased worker is survived by a spouse and one or more children, compensation in an amount equal to 90 per cent of the deceased worker's net average earnings at the time of injury shall be payable to the spouse until the youngest child reaches the age of nineteen.

Spouse,
no children

- (3) Where the deceased worker is survived by a spouse and no child or children, the spouse shall be entitled to a periodic payment of 40 per cent of the net average earnings of the deceased worker adjusted by the addition of 1 per cent of the net average earnings for each year of age of the spouse over forty years at the time of the worker's death or by the subtraction of 1 per cent of the net average earnings for each year of age of the spouse under forty years at the time of the worker's death, but in no case shall the spouse receive a periodic payment of more than 60 per cent or less than 20 per cent of net average earnings of the deceased worker.

Dependent
children, no
spouse

- (4) Where there is no spouse entitled to compensation or the spouse dies and the deceased worker,

- (a) is survived by only one dependent child, the dependent child is entitled to compensation equal to 30 per cent of the net average earnings of the deceased worker at the time of injury; or
- (b) is survived by more than one dependent child, the dependent children are entitled as a class to compensation equal to 30 per cent of the net average earnings of the deceased worker at the time of the injury, plus an additional amount of 10 per cent of the net average earnings of the deceased worker at the time of injury for each additional dependent

child over one to a maximum of 90 per cent of the net average earnings.

(5) Where, at the time of the death of the worker, there is no spouse entitled to receive a lump sum payment under clause (1) (a), the worker's dependent child or children shall be entitled to receive in aggregate a total lump sum payment of \$40,000 in addition to the compensation payable under subsection (4). Idem

(6) Where a deceased worker is not survived by a spouse or by a dependent child or children and there are dependants, the dependants are entitled to reasonable compensation proportionate to the loss occasioned to the dependants by the death as determined by the Board, but in no case shall the total compensation exceed 50 per cent of the net average earnings of the deceased worker at the time of injury, and the compensation shall be payable only so long as the worker could have been reasonably expected to continue to support the dependant or dependants as if the deceased worker had not suffered injury. Dependants,
no spouse or
children

(7) Payment shall be made for the necessary expenses of burial or cremation of a deceased worker, as determined by the Board, which amount shall not be less than \$1,500, and, where owing to the circumstances of the case the body of a worker is transported for a considerable distance for burial or cremation, a further sum, as determined by the Board, shall be paid for the necessary extra expenses so incurred. Burial
expenses

(8) Subject to subsection (9), where compensation has been paid under subsection (2) and no child is under the age of nineteen years, the spouse shall be entitled to payment of compensation under subsection (3) as if the worker had died on the day after the day the youngest child then living reached the age of nineteen years. Recalculation
of spousal
periodic
payments

(9) Where the Board is satisfied that it is advisable for a child or children over the age of nineteen to continue education, the Board shall pay in respect of each such child 10 per cent of the net average earnings of the worker at the time of the injury but the total benefit in respect of the spouse and such children shall not exceed 90 per cent of the net average earnings of the worker at the time of the injury. Education of
children

(10) Subject to subsections (8), (9) and (12), a monthly payment in respect of a child shall cease when the child attains the age of nineteen years or when the Board is satisfied that it is not advisable for a child over the age of nineteen to continue receiving an education. When child
payments
cease

*Person in
loco parentis*

(11) Where a child or children is or are entitled to compensation under this section and is or are being maintained by a suitable person who is acting *in loco parentis* in a manner the Board considers satisfactory, such person while so doing is entitled to receive the same periodic payments of compensation for himself or herself and the child or children as if the person were a spouse of the deceased and in such case the child's or children's part of such payments shall be in lieu of the periodic payments that the child or children would otherwise be entitled to receive and, where there is more than one child and more than one person acting *in loco parentis*, the Board may in its discretion apportion the payments under this section accordingly and, where this subsection applies, the maximum amount payable under this section shall not exceed 90 per cent of the net average earnings of the deceased worker at the time of injury.

*Invalid
child*

(12) Compensation is payable to an invalid child without regard to the age of the child and shall continue until the child ceases to be an invalid or dies.

*Deduction
for C.P.P.*

(13) In calculating the average earnings of a deceased worker for the purposes of paying compensation by way of periodic payments under this section, there shall be deducted from such earnings any payments received by way of any survivor's benefit under the Canada Pension Plan.

*Separated
spouse*

(14) A person who ceased to be a spouse by reason of living separate and apart from the deceased worker at the time of the worker's death is entitled to compensation under this section as a spouse where the worker was or would have been required had the worker not died to make support, maintenance or alimony payments under a separation agreement or judicial order.

Idem

(15) Where there is more than one person entitled to receive periodic or lump sum payments under this section as a spouse and the periodic payments to those persons as provided in this section would in total exceed 90 per cent of the net average earnings of the deceased worker at the time of injury and, or, the lump sum payments to these persons as provided in this section would in total exceed \$60,000, the total periodic payments shall be limited to 90 per cent of the net average earnings and the total lump sum payments shall be limited to \$60,000 and the Board shall apportion payments that are so limited between those entitled in accordance with,

- (a) the relative degrees of financial and emotional dependance on the deceased at the time of death;

- (b) the period of separation, if any, from the deceased at the time of death; and
- (c) the size of the relative entitlements to those so entitled without reference to this subsection.

10. Sections 37 and 38 of the said Act are repealed.

11. Sections 39, 40 and 41, section 42, as amended by the Statutes of Ontario, 1981, chapter 30, section 3, 1982, chapter 61, section 6 and 1983, chapter 45, section 3, section 43, as amended by the Statutes of Ontario, 1984, chapter 38, section 3, section 44, as re-enacted by the Statutes of Ontario, 1984, chapter 38, section 4, and section 45, as amended by the Statutes of Ontario, 1984, chapter 38, section 5, of the said Act are repealed and the following substituted therefor:

39. Compensation for disability shall be computed and payable from and including the day following the day of the accident or from the date of the disability, whichever is the later.

When compensation payable

40.—(1) Where injury to a worker results in temporary total disability, the worker is entitled to compensation under this Act in an amount equal to 90 per cent of the worker's net average earnings before the injury so long as temporary total disability continues.

Temporary total disability

(2) Where temporary partial disability results from the injury, the compensation payable shall be,

Temporary partial disability

- (a) where the worker returns to employment, a weekly payment of 90 per cent of the difference between the net average weekly earnings of the worker before the injury and a net average amount that the worker is able to earn in some suitable employment or business after the injury; or
- (b) where the worker does not return to work, a weekly payment in the same amount as would be payable if the worker were temporarily totally disabled, unless the worker,
 - (i) fails to co-operate in or is not available for a medical or vocational rehabilitation program which would, in the Board's opinion, aid in getting the worker back to work, or
 - (ii) fails to accept or is not available for employment which is available and which in the opin-

ion of the Board is suitable for the worker's capabilities.

Idem (3) In determining the amount to be paid under clause (2) (b), the Board shall have regard to any payments the worker receives under the Canada Pension Plan, and where subclause (2) (b) (i) or (ii) applies, the compensation shall be a periodic amount proportionate to the degree of earnings impairment resulting from the injury as determined by the Board and subsection 45 (4) applies.

Maximum earnings **41.** For the purposes of this Act, the maximum amount of average earnings upon which the loss of earnings is to be calculated shall be at the rate of \$31,500 per annum.

Minimum compensation **42.**—(1) The minimum amount of compensation payable for temporary total disability shall be,

- (a) \$10,500 per annum where the net average earnings of the worker at the time of the accident are equal to or exceed \$10,500 per annum; or
- (b) the net average earnings of the worker at the time of the accident where the net average earnings are less than \$10,500 per annum.

Idem (2) The minimum amount of compensation payable for temporary partial disability shall be a proportionate amount of the minimum compensation payable under subsection (1) in accordance with the impairment of earning capacity.

Idem (3) The minimum amount of compensation payable for permanent disability shall be computed in accordance with sections 41 and 45, but the amount of such compensation shall not be less than,

- (a) for permanent total disability in one claim, \$10,500 per annum; and
- (b) for permanent partial disability, an amount proportionate to that mentioned in clause (a) in accordance with the impairment of earning capacity.

Idem (4) The minimum amount of compensation to which a spouse and child or children of a deceased worker are entitled under subsection 36 (2) shall be \$10,500 per annum.

Idem (5) The minimum amount of compensation to which a spouse of a deceased worker is entitled under subsection

36 (3) shall be \$10,500 per annum multiplied by the percentage prescribed therein.

(6) The minimum amount of compensation to which a child or children of a deceased worker is or are entitled under subsection 36 (4) shall be \$10,500 per annum multiplied by the percentage prescribed therein. Idem

43.—(1) In determining the average earnings of a worker, Average earnings the Board shall,

- (a) calculate the daily or hourly rate of the worker's earnings with the employer for whom the worker worked at the time of accident as is best calculated to give the rate per week at which the worker was remunerated at the time of the accident;
- (b) if the calculation under clause (a) does not fairly represent the average earnings of the worker, upon application, the Board shall determine the worker's average earnings with the employer for whom the worker worked at the time of the accident during the twelve months or such lesser period immediately preceding the accident when the worker was employed with the employer.

(2) Where owing to the shortness of the time during which the worker was in the employment of the employer or the casual nature of the employment or where it is impractical to calculate the average earnings at the time of the accident, regard may be had to the average earnings that during the twelve months prior to the accident was being earned by a person in the same grade employed at the same work by the same employer or, if there is no person so employed, then by a person in the same grade employed in the same class of employment in the same locality. Idem

(3) Where the worker has entered into concurrent contracts of service with two or more employers under which the worker worked at one time for one of them and at another time for another of them, the worker's average earnings shall be calculated on the basis of what the worker probably would have been earning if the worker had been employed solely in the employment of the employer for whom the worker was working at the time of the accident. Idem

(4) For the purposes of subsection (2), "employed at the same work by the same employer" means employment by the same employer in the grade in which the worker was Interpretation

employed at the time of the accident uninterrupted by absence from work due to illness or any other unavoidable cause.

Special expenses

(5) Where the employer was accustomed to paying the worker a sum to cover any special expenses entailed on the worker by the nature of the employment, that sum shall not be reckoned as part of the worker's earnings.

Learners

(6) Where a worker is an apprentice or in the course of learning a trade, occupation, profession or calling and the worker's remuneration is of a nominal nature, the Board may for the purposes of this Act determine the worker's average earnings at the time of the accident at an amount it considers fair and equitable having regard to the average earnings of a fully qualified person engaged in the same trade, occupation, profession or calling, and the employer of the worker is liable to pay its assessment to the Board on the earnings so determined.

Further benefits

(7) Where a worker, who has become entitled to benefits under this Act and has returned to employment, becomes entitled to payment for temporary disability by reason of any matter arising out of the original accident, the compensation payable for such temporary disability shall be paid on either the average earnings at the date of the accident or the average earnings at the date of the most recent employment of the worker, calculated in accordance with this Act, whichever is the greater.

Net average earnings

44.—(1) The net average earnings of a worker shall be determined by the Board by deducting from the earnings of a worker,

- (a) the probable income tax payable by the worker on the worker's earnings;
- (b) the probable Canada Pension Plan premiums payable by the worker; and
- (c) the probable unemployment insurance premiums payable by the worker.

Idem

(2) The Board shall on the 1st day of January in each year establish a schedule setting forth a table of net average earnings based upon the provisions of this section and such schedule shall be deemed conclusive and final.

Permanent disability

45.—(1) Where permanent disability results from the injury, the impairment of earning capacity of the worker shall be estimated from the nature and degree of the injury, and the

compensation shall be a weekly or other periodic payment during the lifetime of the worker, or such other period as the Board may fix, of a sum proportionate to such impairment not exceeding in any case the like proportion of 90 per cent of the worker's net average earnings.

(2) Compensation for permanent disability is payable ^{Idem} whether or not an award is made for temporary disability.

(3) The Board may compile a rating schedule of percentages of impairment of earning capacity for specified injuries or mutilations that may be used as a guide in determining the compensation payable in permanent disability cases. ^{Idem}

(4) Where the impairment of the earning capacity of the worker does not exceed 10 per cent of the worker's earning capacity and the worker does not elect to receive compensation by a weekly or other periodic payment, the Board shall, unless the Board decides that it would not be to the advantage of the worker to do so, direct that such lump sum as may be considered to be the equivalent of the periodic payment shall be paid to the worker. ^{Lump sum}

(5) Notwithstanding subsection (1), where the impairment of the earning capacity of the worker is significantly greater than is usual for the nature and degree of the injury, the Board may supplement the amount awarded for permanent partial disability for such period as the Board may fix unless the worker, ^{Supplement}

- (a) fails to co-operate in or is not available for a medical or vocational rehabilitation program which would, in the Board's opinion, aid in getting the worker back to work; or
- (b) fails to accept or is not available for employment which is available and which in the opinion of the Board is suitable for the worker's capabilities.

(6) In calculating the amount of the supplement under subsection (5), the Board shall have regard to the difference between the net average earnings of the worker before the accident and the net average earnings after the accident and the compensation shall be a weekly or other periodic payment of 90 per cent of the difference but the sum total of such supplement and the award under subsection (1) shall not exceed the like proportion of 90 per cent of the worker's pre-accident net average earnings and the Board shall have regard to the effect of inflation on the pre-accident earnings rate and to any payments the worker receives under the Canada Pension Plan. ^{Idem}

Older
workers

R.S.C. 1970,
c. 0-6

(7) Notwithstanding subsections (1) and (5), where the impairment of earnings capacity for an older worker is significantly greater than is usual for the nature and degree of the worker's injury and, where in the opinion of the Board, the worker can not return to work and is unlikely to benefit from a vocational rehabilitation program which would lead to employment, the Board may supplement the amount awarded for permanent partial disability with an amount not exceeding the old age security benefits that would be payable under section 3 of the *Old Age Security Act (Canada)*, and amendments thereto, as if the worker were eligible therefor, and such supplement may continue until the worker is eligible for such old age security benefits or until the worker returns to employment.

Idem

(8) A supplement awarded under subsection (7) shall be a weekly or other periodic payment and the total sum of such supplement and the award under subsection (1) shall not exceed the like proportion of 90 per cent of the worker's pre-accident net average earnings and, in calculating the amount of the supplement, the Board shall have regard to the effect of inflation on the pre-accident earnings rate and to any payments the worker receives under the Canada Pension Plan.

Effect of
C.P.P.

(9) Notwithstanding subsection 40 (3) or subsection (6) or (8) of this section, the fact that a worker is receiving payments under the Canada Pension Plan shall not be a bar to receiving payments under clause 40 (2) (b) or subsection (5) or (7) of this section and the Board in having regard to payments received by a worker under the Canada Pension Plan shall have regard only to those payments received by the worker with respect to a disability arising from the injury.

Permanent
disfigurement

(10) Notwithstanding subsection (1), where the worker is seriously and permanently disfigured about the face or head, the Board may allow a lump sum in compensation therefor.

Dependants

(11) Where, at the time of a worker's death, the worker was in receipt of an award for permanent disability which the Board has rated at 100 per cent or, but for the death, would have been in receipt of an award for permanent disability at the rate of 100 per cent, a dependant of the worker is entitled to compensation from the time of the worker's death as if the death of the worker had resulted from the compensable disability for which the worker received or would have received the permanent disability award.

Interpretation

(12) For the purposes of this section, "permanent disability" means any physical or functional abnormality or loss, and

any psychological damage arising from such abnormality or loss, after maximal medical rehabilitation has been achieved.

12. Section 49 of the said Act is repealed.

13. Section 50 of the said Act is repealed and the following substituted therefor:

50.—(1) Where a worker is entitled to compensation and the worker's spouse or the worker's child or children under the age of nineteen is or are entitled to support or maintenance under the order of a court that in the opinion of the Board is enforceable in Ontario, the Board shall divert the compensation in accordance with the court order to the extent that there is default made under the order after this section comes into force.

Family support

(2) In this section, "spouse" means a spouse as defined in Part II of the *Family Law Reform Act*.

Interpretation
R.S.O. 1980,
c. 152

14. Subsection 55 (2) of the said Act is repealed and the following substituted therefor:

(2) The *Corporations Act* does not apply to the corporation and, subject to the provisions of this Act, the corporation shall have the capacity and powers of a natural person.

R.S.O. 1980,
c. 95 not to
apply

15.—(1) Sections 56, 57 and 58 of the said Act are repealed and the following substituted therefor:

56.—(1) There shall be constituted for the management and government of the corporation and for the exercise of the powers and performance of the duties of the Board under this or any other Act a board of directors the members of which shall be appointed by the Lieutenant Governor in Council and which shall consist of a full-time chairman, full-time vice-chairman of administration and not less than five and not more than nine part-time members who shall be representative of employers, workers, professional persons and the public.

Board of
directors

(2) The chairman of the Appeals Tribunal shall be a member *ex officio* of the board of directors but shall not vote on any matter.

Ex officio
member

(2) The terms of office of the commissioners of the Workers' Compensation Board, except the chairman and the vice-chairman of administration, in office immediately before the coming into force of this section are terminated.

16. Section 59 of the said Act is amended by striking out "commissioners" in the first and second lines and inserting in lieu thereof "directors".

17. Sections 60, 61 and 62 of the said Act are repealed.

18. Subsections 63 (3) and (4) of the said Act are repealed.

19. Section 64 of the said Act is repealed and the following substituted therefor:

Where vice-chairman of administration may act

64.—(1) In the absence of the chairman from Ontario, the chairman's inability to act, or where the office of chairman is vacant, the chairman's duties shall be performed by the vice-chairman of administration.

Presumption where vice-chairman acts

(2) Wherever it appears that the vice-chairman acted for and instead of the chairman, it shall be conclusively presumed that the vice-chairman has so acted in the absence, disability or vacancy in the office of the chairman.

20.—(1) Subsection 65 (1) of the said Act is amended by striking out "A commissioner" in the first line and inserting in lieu thereof "The chairman, the vice-chairman of administration and the chairman of the Appeals Tribunal".

(2) Subsection 65 (2) of the said Act is amended by striking out "a commissioner" in the third line and inserting in lieu thereof "the chairman, the vice-chairman of administration or the chairman of the Appeals Tribunal".

21. Section 66 of the said Act is repealed.

22. Subsection 67 (2) of the said Act is repealed and the following substituted therefor:

Place of meeting

(2) The board of directors may meet or hold meetings in any place in Ontario as is considered convenient.

23. Subsection 68 (2) of the said Act is amended by striking out "commissioner" in the second line and inserting in lieu thereof "director".

24.—(1) Subsection 71 (2) of the said Act is repealed and the following substituted therefor:

Quorum

(2) A majority of the members of the board of directors for the time being, one of whom must be the chairman or vice-chairman of administration, constitutes a quorum for the

transaction of business at meetings of the Board and a decision of a majority is the decision of the board of directors.

(2) Clause 71 (3) (g) of the said Act is amended by striking out "and" at the end thereof.

(3) Clause 71 (3) (h) of the said Act is repealed and the following substituted therefor:

- (h) enter into agreements with the government of Canada or any province or territory in Canada, or the appropriate authority thereof, providing for co-operation in matters relating to compensation for or rehabilitation of workers disabled by injuries arising out of and in the course of employment;
- (i) subject to the approval of the Lieutenant Governor in Council enter into agreements with any state, government or authority outside Canada providing for co-operation in matters relating to compensation for or rehabilitation of workers disabled by injuries arising out of and in the course of employment; and
- (j) undertake and carry on such investigations, research and training and make grants to individuals, institutions and organizations for investigations, research and training in such amounts and upon such terms and conditions as the Board considers acceptable.

(4) Section 71 of the said Act is amended by adding thereto the following subsection:

(4) The board of directors may delegate in writing any of Delegation
the Board's powers or duties, subject to such limitations, conditions and requirements as are set out in the delegation, to any director, officer or employee of the Board who may act in the place and stead of the board of directors and when a delegate acts in the place and stead of the board of directors, it shall be presumed conclusively that the delegate acted in accordance with the delegation.

25. Subsection 72 (1) of the said Act is repealed and the following substituted therefor:

(1) In accordance with personnel policies approved from time to time by the board of directors of the Board, the chairman, subject to such guidelines as may be established by the Management Board of Cabinet and subject to the provisions of the *Crown Employees Collective Bargaining Act*, may establish job classifications, personnel qualifications and

Powers of
chairman

R.S.O. 1980,
c. 108

ranges for remuneration and benefits for consultants, actuaries, accountants, experts, officers and employees of the Board, and the chairman may appoint, promote and employ the same in conformity with the classifications, qualifications and ranges for remuneration and benefits established by the chairman.

26.—(1) Subsection 74 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 61, section 12, is amended by striking out “an employee or commissioner” in the third and fourth lines and inserting in lieu thereof “a full-time member of the board of directors or an employee of the Board”.

(2) Clause 74 (2) (a) of the said Act is amended by striking out “commissioners” in the second line and inserting in lieu thereof “full-time members of the board of directors”.

(3) Subsection 74 (6) of the said Act is amended by striking out “commissioner” in the first line and inserting in lieu thereof “full-time member of the board of directors”.

27.—(1) Subsection 75 (1) of the said Act is amended by adding at the commencement thereof “Except as provided by this Act”.

(2) Subsection 75 (2) of the said Act is amended by adding thereto the following clauses:

- (l) the net average earnings of a worker;
- (m) whether a person is a spouse or child.

(3) Section 75 of the said Act is amended by adding thereto the following subsections:

Medical examination

(3) A worker who has made a claim for compensation or to whom compensation is payable under this Act shall, if requested by the Board, submit to a medical examination by a medical practitioner named by the Board.

Failure to be examined

(4) If a worker contravenes subsection (3) or in any way obstructs an examination without reasonable cause or excuse, the worker's right to compensation or to a decision by the Board may be suspended by the Board until the examination has taken place.

28. Sections 77 and 78 of the said Act are repealed and the following substituted therefor:

77.—(1) Subject to subsection (2), where there is an issue in dispute, upon request, the Board shall give a worker, or if deceased, the persons who may be entitled to benefits under section 36, full access to and copies of the Board's file and records respecting the claim and the Board shall provide like access and copies to a representative of the worker upon presentation of a written authorization for that purpose signed by the worker, or if deceased, signed by a person who may be entitled to benefits under section 36.

Access to
records by
worker

(2) Where the file or a record respecting the claim, in the opinion of the Board, contains medical or other information that would be harmful to the worker, if given to the worker, the Board shall provide copies of such medical information to the worker's treating physician instead of the worker or the worker's representative and advise the worker or the representative that it has done so.

Medical
information

(3) Where there is an issue in dispute, upon request, the Board shall grant the employer access to copies of only those records of the Board that the Board considers to be relevant to the issue or issues in dispute and the Board shall provide like access and copies to a representative of the employer upon presentation of written authorization for that purpose signed by the employer.

Access to
records by
employer

(4) Where the employer or the employer's representative is given access to and copies of records referred to in subsection (3), the worker or worker's representative shall be informed of the access to and copies of records so given.

Idem

(5) Before granting access to the employer to medical reports and opinions under subsection (3), the Board shall notify the worker or claimant for compensation of the medical reports or opinions it considers relevant and permit written objections to be made within such time as may be specified in the notice before granting access to the employer and, after considering the objections, the Board may refuse access to the reports and opinions or may permit access thereto with or without conditions.

Idem

(6) A worker, employer or party of record may appeal a decision of the Board made under this section within twenty-one days of the mailing of the Board's decision and no access to or copies of the Board's records shall be provided until the expiry of the twenty-one day period or until the Appeals Tribunal gives its decision, whichever is later.

Appeal

(7) No employer or employer's representative who obtains access to copies of any of the records of the Board shall dis-

Information
confidential

close any medical information obtained therefrom except in a form calculated to prevent the information from being identified with a particular worker or case.

Offence

(8) Every employer and employer's representative who contravenes subsection (7) is guilty of an offence.

29.—(1) Section 79 of the said Act is amended by striking out "appeals" in the second line.

(2) Section 79 of the said Act is further amended by adding thereto the following subsection:

**Decisions
to be
communicated**

(2) Every decision of the Board and the reasons therefor shall be communicated promptly in writing to the parties of record.

30. Clause 81 (c) of the said Act is amended by inserting after "worker" in the first line "spouse, child or".

31.—(1) Subsection 83 (1) of the said Act is amended by striking out "commissioner of the Board, or any other commissioner" in the first and second lines and inserting in lieu thereof "member of the board of directors".

(2) Subsection 83 (2) of the said Act is amended by striking out "commissioner thereof or any other commissioner" in the first and second lines and inserting in lieu thereof "member of the board of directors".

(3) Subsection 83 (3) of the said Act is amended by striking out "commissioner thereof or any other commissioner" in the second line and inserting in lieu thereof "member of the board of directors".

(4) Subsection 83 (4) of the said Act is amended by striking out "commissioner thereof or any other commissioner" in the third and fourth lines and inserting in lieu thereof "member of the board of directors".

32. The said Act is amended by adding thereto the following sections:

**Appeals
Tribunal
established**

86a. There is hereby constituted a tribunal to be known as the "Workers' Compensation Appeals Tribunal".

**Composition
of Appeals
Tribunal**

86b.—(1) The Lieutenant Governor in Council shall appoint a chairman of the Appeals Tribunal, one or more vice-chairmen of the Appeals Tribunal and as many members of the Appeals Tribunal, equal in number, representative of

employers and workers, respectively, as is considered appropriate.

(2) The remuneration, benefits and allowances of the members of the Appeals Tribunal shall be determined by the Lieutenant Governor in Council.

Remuneration

(3) The chairman of the Appeals Tribunal, subject to such guidelines as may be established by the Management Board of Cabinet and subject to the provisions of the *Crown Employees Collective Bargaining Act*, may establish job classifications, personnel qualifications and ranges for remuneration and benefits for officers and employees of the Appeals Tribunal, and the chairman may appoint, promote and employ the same in conformity with the classifications, qualifications and ranges for remuneration and benefits so established by the chairman.

Officers
and
employees
R.S.O. 1980,
c. 180

(4) For the purposes of section 74 only, every full-time member of the Appeals Tribunal and every person appointed under subsection (3) to full-time employment shall be deemed to be an employee of the Board.

Super-
annuation

(5) The costs and expenses associated with the administration of the Appeals Tribunal, including the remuneration and expenses of its members, officers and employees, shall form part of the administration expenses of the Board.

Recovery of
costs and
expenses

86c.—(1) The chairman of the Appeals Tribunal is its chief executive officer and shall preside at its meetings and upon all panels of the Appeals Tribunal of which the chairman is a member.

Chairman

(2) In the absence from Ontario of the chairman, the chairman's inability to act or where the office is vacant, the chairman's duties shall be performed by a vice-chairman designated to act by the chairman or, where the chairman has failed so to designate, by a vice-chairman designated to act by the Minister of Labour.

When vice-
chairman
may act

(3) Whenever it appears that a vice-chairman has acted for and instead of the chairman, it shall be presumed that the vice-chairman has so acted in the absence or disability of the chairman or because of a vacancy in the office of the chairman.

Presumption
where vice-
chairman acts

86d.—(1) A quorum shall consist of the chairman of the Appeals Tribunal or a vice-chairman of the Appeals Tribunal designated by the chairman to act in place of the chairman and not less than two members of the Appeals Tribunal to be

Quorum

equal in number and representative of employers and workers.

Idem (2) A quorum may exercise all the jurisdiction and powers of the Appeals Tribunal.

Deciding vote (3) The decision of the majority of the quorum present and constituting the Appeals Tribunal is the decision thereof, but, if there is no majority vote, the decision of the chairman or the vice-chairman governs.

Panels **86e.**—(1) The chairman of the Appeals Tribunal may establish panels of the Appeals Tribunal and a panel has all the jurisdiction and powers of the Appeals Tribunal.

Composition (2) A panel of the Appeals Tribunal shall consist of three members as follows:

1. The chairman or a vice-chairman of the Appeals Tribunal.
2. One member of the Appeals Tribunal representative of employers.
3. One member of the Appeals Tribunal representative of workers.

Deciding vote (3) The decision of the majority of a panel consisting of three persons is the decision of the Appeals Tribunal.

Effect of resignation, expiry of term **86f.** Where the chairman, a vice-chairman or other member of the Appeals Tribunal resigns or the term of office expires, the person may carry out and complete any duties or responsibilities that the person would have had if the person had not resigned or the person's term had not expired in respect of any application, proceeding or matter in which the person participated.

Jurisdiction **86g.**—(1) Subject to section 86n, the Appeals Tribunal has exclusive jurisdiction to hear, determine and dispose of,

- (a) any matter or issue expressly conferred upon it by this Act;
- (b) all appeals from decisions, orders or rulings of the Board respecting the provision of health care, vocational rehabilitation or entitlement to compensation or benefits under this Act; and

- (c) all appeals respecting assessments, penalties or the transfer of costs,

and subsection 75 (2) applies with necessary modifications where a matter referred to in that subsection is raised in an appeal.

(2) The Appeals Tribunal shall not hear, determine or dispose of an appeal from a decision, order or ruling of the Board unless the procedures established by the Board for consideration of issues respecting the matters mentioned in clause (1) (b) or (c) have been exhausted, and the Board has made a final decision, order or ruling thereon. Idem

(3) The Appeals Tribunal may make any order or direction that may be made by the Board and the order or direction of the Appeals Tribunal or a panel thereof is final and conclusive and not open to question or review in any court upon any grounds and no proceedings by or before the Appeals Tribunal or a panel thereof shall be restrained by injunction, prohibition or other process or proceeding in any court or be removable by application for judicial review, or otherwise, into any court. Idem

86h.—(1) The Lieutenant Governor in Council, after requesting and considering the views of representatives of employers, workers and physicians, shall appoint qualified medical practitioners, other than practitioners appointed under subsection 72 (1) or 86b (3), to a list and the Appeals Tribunal may obtain the assistance of one or more of them in such way and at such time or times as it thinks fit so as to better enable it to determine any matter of fact in question in any application, appeal or proceeding. Panel of medical practitioners

(2) The chairman of the Appeals Tribunal may fix the remuneration of a medical practitioner who provides assistance to the Appeals Tribunal under this section and the remuneration shall be part of the administrative expenses of the Board. Remuneration

(3) A medical practitioner shall not be asked, except with the written consent of the parties of record, to assist the Appeals Tribunal in any application, appeal or proceeding where the practitioner, Limitations

- (a) has examined the worker whose claim is the subject-matter of the application, appeal or proceeding;
- (b) has treated the worker or a member of the family of the worker;

(c) has acted as a consultant in the treatment of the worker or as a consultant to the employer; or

(d) is a partner of a practitioner mentioned in clause (a), (b) or (c).

Pre-hearing inquiry

(4) The Appeals Tribunal has power to authorize the chairman or a vice-chairman to inquire into applications by way of appeal under clause 86g (1) (b) to determine whether an issue involves a decision of the Board upon a medical report or opinion and, if such is the case, the person making the inquiry may, before the appeal is heard by the Appeals Tribunal, require that the worker submit to an examination by one or more medical practitioners appointed under subsection (1) who shall report, in writing, to the Appeals Tribunal thereon.

Copies of report

(5) The Appeals Tribunal shall, upon receiving the report of the medical practitioner or practitioners, send a copy thereof to the parties to the appeal for the purpose of receiving their submissions thereon.

Powers not affected

(6) Nothing in subsection (4) limits the right of the Appeals Tribunal to exercise its powers under subsection (1) during the hearing of an appeal.

Failure to be examined

(7) If a worker is required by the Appeals Tribunal to submit to an examination by one or more medical practitioners who provide assistance to the Appeals Tribunal under this section and the worker does not submit to the examination or in any way obstructs the examination, the worker's right to compensation or to a final decision by the Appeals Tribunal may be suspended by the Appeals Tribunal.

Application of s. 83

86i. Section 83 applies with necessary modifications to the chairman, vice-chairmen and other members of the Appeals Tribunal, to all officers and employees of the Appeals Tribunal and any person engaged by the Appeals Tribunal to conduct an examination, test or inquiry, or authorized to perform any function under this Act.

Notice

86j.—(1) Upon receipt of a notice of appeal, the Appeals Tribunal shall, as soon as practicable, notify the Board and the parties of record of the appeal and the issue or issues in respect of which the appeal is brought and shall furnish the same with copies of any written submissions made with respect thereto.

Payments pending appeal

(2) Any periodic payments to be paid under a decision of the Board shall be paid notwithstanding that an appeal is

taken therefrom and any amounts paid may be dealt with as the Appeals Tribunal shall direct.

(3) Upon receipt of a notice under subsection (1), the Board shall forthwith transmit the Board's records related to the appeal to the chairman of the Appeals Tribunal.

Transmission
of records

86k. The Appeals Tribunal shall determine its own practice and procedure and may, subject to the approval of the Lieutenant Governor in Council, make rules governing its practice and procedure and the exercise of its powers in respect thereto, and may prescribe such forms as it considers necessary.

Rules

86l.—(1) The Appeals Tribunal may confirm, vary, reverse or uphold any decision of the Board under appeal.

Powers of
Appeals
Tribunal

(2) Every decision of the Appeals Tribunal and the reasons therefor shall be communicated promptly in writing to the Board and the parties of record.

Communication
of decisions

86m. Sections 76, 80 and 81 apply with necessary modifications to the Appeals Tribunal as if a reference to the Board were a reference to the Appeals Tribunal.

Application
of certain
sections

86n.—(1) Where a decision of the Appeals Tribunal turns upon an interpretation of the policy and general law of this Act, the board of directors of the Board may in its discretion review and determine the issue of interpretation of the policy and general law of this Act and may direct the Appeals Tribunal to reconsider the matter in light of the determination of the board of directors.

Determi-
nation
of issues by
Board

(2) Where the board of directors of the Board in the exercise of its discretion under subsection (1) considers that a review is warranted, it shall either hold a hearing and afford the parties likely to be affected by its determination an opportunity to make oral and written submissions or it may dispense with a hearing if it permits the parties likely to be affected by its determination to make written submissions, as the board may direct.

Hearing

(3) The board of directors of the Board shall give its determination and direction, if any, under this section in writing together with its reasons therefor.

Determi-
nation

(4) Pending its determination, the board of directors of the Board, with respect to the decision that is the subject-matter of the review, may stay the enforcement or execution of the

Stay, etc.,
of orders

order made under the decision or may vacate the order if it has been implemented.

Appeals

86o.—(1) An appeal to the Appeals Tribunal lies from a decision of the Board with respect to the matters referred to in clauses 86g (1) (b) and (c).

Transition

(2) With the leave of the Appeals Tribunal, a decision of a panel of the Board made before this section comes into force may be appealed to the Appeals Tribunal.

Idem

(3) Leave to appeal a decision to which subsection (2) applies shall not be granted unless,

- (a) there is substantial new evidence which was unavailable at the time of the hearing by the panel; or
- (b) there appears to the Appeals Tribunal to be good reason to doubt the correctness of the decision.

Industrial Disease Standards Panel

86p.—(1) There is hereby constituted a panel to be known as the Industrial Disease Standards Panel.

Composition

(2) The Panel shall be composed of not more than nine members including persons representative of the public and of the scientific community and technical and professional persons.

Idem

(3) The members of the Panel shall be appointed by the Lieutenant Governor in Council one of whom shall be designated by the Lieutenant Governor in Council as chairman of the Panel and one of whom shall be designated by the Lieutenant Governor in Council as vice-chairman.

Remuneration

(4) The remuneration, benefits and allowances of the members of the Panel shall be determined by the Lieutenant Governor in Council.

Officers and employees

(5) The chairman of the Panel, subject to such guidelines as may be established by the Management Board of Cabinet and subject to the provisions of the *Crown Employees Collective Bargaining Act*, may establish job classifications, personnel qualifications and ranges for remuneration and benefits for officers and employees of the Panel, and the chairman may appoint, promote and employ the same in conformity with the classifications, qualifications and ranges for remuneration and benefits so established by the chairman.

R.S.O. 1980, c. 108

(6) The costs and expenses associated with the administration of the Panel, including the remuneration and expenses of

Recovery of costs and expenses

its members, officers and employees, shall be paid by the Ministry of Labour and shall be chargeable by the Ministry to the Board and the costs and expenses shall form part of the administrative expenses of the Board.

(7) It shall be the function of the Panel, Functions

- (a) to investigate possible industrial diseases;
- (b) to make findings as to whether a probable connection exists between a disease and an industrial process, trade or occupation in Ontario;
- (c) to create, develop and revise criteria for the evaluation of claims respecting industrial diseases; and
- (d) to advise on eligibility rules regarding compensation for claims respecting industrial diseases.

(8) The Panel may establish special panels to investigate matters arising out of its functions under subsection (7) and may appoint *ad hoc* members who are specialists in particular diseases and in industrial processes to such special panels which shall report thereon to the Panel. Special panels

(9) The Panel shall determine its own priorities, practice and procedure and shall not be subject to or affected in any way by the *Statutory Powers Procedure Act*, or by any rules made under it. Practice and procedure
R.S.O. 1980,
c. 484

(10) The Panel shall report its findings to the Board. Report to Board

(11) Before accepting or rejecting any findings of the Panel, the Board shall publish in *The Ontario Gazette* a notice setting forth the nature of the findings and calling for comments, briefs and submissions thereon to be filed with the Board within sixty days of the publication of the notice or within such longer period as the Board may specify in the notice. Notice of findings

(12) Upon the expiry of the period allowed for the filing under subsection (11), the Board may accept the findings of the Panel with or without amendments or may reject the findings. Acceptance

(13) Where the findings of the Panel are accepted under subsection (12) with amendments or rejected, the Board need not give any further notice under subsection (11). Idem

Publication
of findings

(14) Where the Board accepts or rejects the findings of the Panel, notice of the Board's acceptance or rejection, with reasons therefor, shall be published in *The Ontario Gazette*.

Annual
report

(15) The Panel shall, after the close of each year, file with the Minister of Labour an annual report upon the affairs of the Panel, and the Minister shall cause a copy of the report to be laid before the Assembly if it is in session or, if not, at the next ensuing session.

Office of
Worker
Adviser

86q.—(1) The Minister of Labour shall establish an office to be available to any person who is or has been a claimant for benefits under this Act and the office shall be known as the "Office of the Worker Adviser".

Idem

(2) The Minister shall pay such remuneration and expenses as may be required to carry out such functions as may be assigned to the Office of the Worker Adviser by the Minister.

Idem

(3) The Board shall reimburse the Minister for the remuneration and expenses referred to in subsection (2).

Office of
Employer
Adviser

86r.—(1) The Minister of Labour shall establish an office to be known as the "Office of the Employer Adviser" and shall pay such remuneration and expenses as may be required to carry out such functions as may be assigned to it by the Minister.

Idem

(2) The Board shall reimburse the Minister for the remuneration and expenses referred to in subsection (1).

French
language
services

86s. Services under this Act shall, where appropriate, be made available in the French language.

33. Section 113 of the said Act is amended by striking out "Trustee Act" in the eighth line and inserting in lieu thereof "Pension Benefits Act".

34.—(1) Subsection 122 (9) of the said Act is repealed and the following substituted therefor:

Presumption

(9) If the worker at or before the date of the disablement was employed in any process mentioned in the second column of Schedule 3 and the disease contracted is the disease in the first column of the Schedule set out opposite to the description of the process, the disease shall be deemed to have been due to the nature of that employment unless the contrary is proved.

(9a) If the worker at or before the date of the disablement was employed in any process mentioned in the second column of Schedule 4 and the disease contracted is the disease in the first column of the Schedule set out opposite to the description of the process, the disease shall be conclusively deemed to have been due to the nature of the employment.

(2) Subsection 122 (12) of the said Act is repealed and the following substituted therefor:

(12) Notwithstanding any other provision of this Act, the Board may enter into an agreement with the appropriate authority in any jurisdiction in Canada to provide for the apportionment of the costs of the claims for industrial diseases for workers who have had exposure employment in more than one Canadian jurisdiction.

Agreements
for cost
sharing

(3) Subsection 122 (16) of the said Act is amended by inserting after "3" in the third line "or 4".

35. Section 125 of the said Act is amended by adding thereto the following subsections:

(2) The payments and deposits referred to in sections 29 and 33 shall be invested in any such securities as a trustee may invest in under the *Pension Benefits Act*.

Investments

R.S.O. 1980,
c. 373

(3) The Board, where it considers proper, may add to the amount payable by an employer under subsection (1) a percentage or sum for the purpose of raising special funds and the Board may use such moneys to meet a loss or relieve any employer in Schedule 2 from all or part of the costs arising from any disaster or other circumstance where, in the opinion of the Board, it is proper to do so.

Special
funds

36. Section 131 of the said Act is repealed and the following substituted therefor:

131. This Part does not apply to domestics or their employers to whom Part I applies.

Domestics

37. The said Act is further amended by adding thereto the following Part:

PART III

132. Subject to this Part, this Act, as it read immediately before the coming into force of this section, continues to apply to personal injury by accident and to an industrial disease where the accident or disease occurred before the day

Transition

this section comes into force, and to death resulting from injury or industrial disease where the death occurred before the coming into force of this section.

Repeals

133.—(1) Sections 21 and 22, subsection 36 (2) and sections 37, 42 and 49 of this Act, as continued by section 132, are repealed.

Transition

(2) Subsection 36 (2) and section 37 of this Act, as they read immediately before the coming into force of this section, apply to a dependent widow or widower, or a dependent common-law wife or husband who remarried or married, as the case may be, before the coming into force of this section.

Temporary disability adjustment

(3) Where a worker is in receipt of temporary disability benefits on the day this section comes into force, the Board shall adjust the rate of compensation by adding thereto an additional 5 per cent but the compensation rate resulting from the adjustment shall not exceed the maximum established by sections 39 and 45, as continued by section 132.

s. 40,
re-enacted

134. Section 40 of this Act, as continued by section 132, is repealed and following substituted therefor:

Temporary disability subsequent to permanent disability

40. Where a worker, who has become entitled to benefits under this Act and has returned to employment, becomes entitled to payment for temporary disability by reason of any matter arising out of the original accident, the compensation payable for such temporary disability shall be paid on either the average weekly earnings at the date of the accident or the average weekly earnings at the date of the most recent employment of the worker calculated in the manner set out in section 39, whichever is the greater.

s. 41 (2),
re-enacted

135. Subsection 41 (2) of this Act, as continued by section 132, is repealed and the following substituted therefor:

Idem

(2) In determining the amount to be paid under clause (1) (b), the Board shall have regard to any payments the worker receives under the Canada Pension Plan, and where subclause (1) (b) (i) or (ii) applies, the compensation shall be a periodic amount proportionate to the degree of earnings impairment resulting from the injury as determined by the Board and subsection 43 (4) applies.

s. 43 (4, 5),
re-enacted

136. Subsections 43 (4) and (5) of this Act, as continued by section 132, are repealed and the following substituted therefor:

(4) Where the impairment of the earning capacity of the worker does not exceed 10 per cent of the worker's earning capacity and the worker does not elect to receive compensation by a weekly or other periodical payment, the Board shall, unless the Board decides that it would not be to the advantage of the worker to do so, direct that such lump sum as may be considered to be the equivalent of the periodic payment shall be paid to the worker.

Lump sum

(5) Notwithstanding subsection (1), where the impairment of earning capacity of the worker is significantly greater than is usual for the nature and degree of injury, the Board may supplement the amount awarded for permanent partial disability for such period as the Board may fix unless the worker,

Periodic payments

- (a) fails to co-operate in or is not available for a medical or vocational rehabilitation program which would, in the Board's opinion, aid in getting the worker back to work; or
- (b) fails to accept or is not available for employment which is available and which in the opinion of the Board is suitable for the worker's capabilities.

(5a) In calculating the amount of the supplement under subsection (5), the Board shall have regard to the difference between the average earnings of the worker before the accident and the average earnings after the accident and the compensation shall be a weekly or other periodic payment of 75 per cent of the difference, but the total of such supplement and the award under subsection (1) shall not exceed the like proportion of 75 per cent of the worker's pre-accident average earnings, and the Board shall have regard to the effect of inflation on the pre-accident earnings rate and to any payments the worker receives under the Canada Pension Plan.

Idem

(5b) Notwithstanding subsections (1) and (5), where the impairment of earnings capacity for an older worker is significantly greater than is usual for the nature and degree of the worker's injury and, where in the opinion of the Board, the worker can not return to work and is unlikely to benefit from a vocational rehabilitation program which would lead to employment, the Board may supplement the amount awarded for permanent partial disability with an amount not exceeding the old age security benefits that would be payable under section 3 of the *Old Age Security Act* (Canada), and amendments thereto, as if the worker were eligible therefor, and such supplement may continue until the worker is eligible for such old age security benefits or until the worker returns to employment.

Older workers

Idem

(5c) A supplement awarded under subsection (5b) shall be a weekly or other periodic payment and the total sum of such supplement and the award under subsection (1) shall not exceed the like proportion of 75 per cent of the worker's pre-accident average earnings and, in calculating the amount of the supplement, the Board shall have regard to any payments the worker receives under the Canada Pension Plan.

Effect of C.P.P.

(5d) Notwithstanding subsection 41 (2), as re-enacted by section 135, or subsection (5a) or (5c) of this section, the fact that a worker is receiving payments under the Canada Pension Plan shall not be a bar to receiving payments under section 41, as continued by section 132, or subsection (5) or (5b) of this section and the Board in having regard to payments received by a worker under the Canada Pension Plan shall have regard only to those payments received by the worker with respect to a disability arising from the injury.

Application of certain sections

137.—(1) Sections 50 and 55 of this Act, as re-enacted or amended by sections 13 and 14 of the *Workers' Compensation Amendment Act, 1984*, being chapter 58, apply to this Act as continued by section 132.

Idem

(2) Sections 21 and 56 to 86s of this Act, as amended, repealed, enacted or re-enacted by sections 8 and 15 to 32 of the *Workers' Compensation Amendment Act, 1984*, being chapter 58, apply to this Act as continued by section 132.

Commencement

(3) Subsection (2) comes into force on the day that section 32 of the *Workers' Compensation Amendment Act, 1984*, being chapter 58, comes into force.

R.S.O. 1980,
c. 539

38. Where an application or appeal has been heard by the Board or a panel thereof pursuant to sections 75 and 77 of the *Workers' Compensation Act*, as those sections read immediately prior to the coming into force of this section, and a final decision or action thereon has not been made or taken before the day this section comes into force, the Board or a panel thereof may carry out and complete any duties or responsibilities and exercise any powers in connection with the application or appeal as though this Act had not been enacted.

39. Clause 9 (b) of the *Human Rights Code, 1981*, being chapter 53, is amended by striking out "or" at the end of sub-clause (iii), by adding "or" at the end of subclause (iv) and by adding thereto the following subclause:

R.S.O. 1980,
c. 539

(v) an injury or disability for which benefits were claimed or received under the *Workers' Compensation Act*.

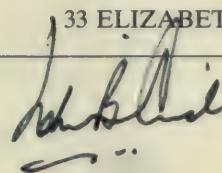
40. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. Commencement

41. The short title of this Act is the *Workers' Compensation Amendment Act, 1984*. Short title









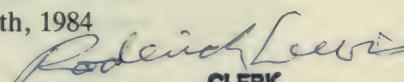
Bill 102

(*Chapter 48*
Statutes of Ontario, 1984)

An Act respecting the Sale of Lands for Arrears of Municipal Taxes

The Hon. C. Bennett
Minister of Municipal Affairs and Housing

<i>1st Reading</i>	June 12th, 1984
<i>2nd Reading</i>	November 26th, 1984
<i>3rd Reading</i>	November 27th, 1984
<i>Royal Assent</i>	November 27th, 1984



RODENICH LEWIS
CLERK
LEGISLATIVE ASSEMBLY

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Bill 102**1984**

**An Act respecting the
Sale of Lands for Arrears of Municipal Taxes**

CONTENTS

Section	Section
1. Interpretation and application	11. Methods of giving notice
2. Administration	12. Voidable proceedings
3. Registration of tax arrears certificate	13. Effect of registration of tax deed or notice of vesting
4. Notice of registration	14. Mining rights
5. Cancellation of tax arrears certificate	15. Scale of costs
6. Accounting for cancellation price	16. Treasurer, immunity and delegation of duties
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8. Extension agreements	18. Regulations
9. Public sale	19-22. Complementary repeals and amendments
10. Application of proceeds	23. Transition
	24. Commencement
	25. Short title

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpretation

- (a) “cancellation price” means an amount equal to all the tax arrears owing at any time in respect of land together with all current real property taxes owing, interest and penalties thereon and all reasonable costs incurred by the municipality, after the treasurer becomes entitled to register a tax arrears certificate under section 3, in proceeding under this Act or in contemplation of proceeding under this Act and, without restricting the generality of the foregoing, may include,

- (i) legal fees and disbursements,

1. 1. 1. 1.

GOALS

GOALS ARE:

• A DIRECTION

• A PREDICTABLE OUTCOME

• A MEASURABLE OUTCOME

• A REASONABLE OUTCOME

• A DESIRED OUTCOME

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Bill 102**1984**

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(i) legal fees and disbursements,

- (ii) the costs of preparing an extension agreement entered into under section 8,
- (iii) the costs of preparing a survey where such is required to register any document under this Act, and
- (iv) a reasonable allowance for costs that may be incurred subsequent to advertising under section 9;

1984, c. 11

- (b) "District Court" means, until the *Courts of Justice Act, 1984* comes into force, the county or district court for the jurisdiction in which the land that is subject to proceedings under this Act is located and thereafter means the District Court sitting in the county or district in which the land is located;
- (c) "improved land" means a parcel of land separately assessed that has a building thereon, and includes any land in actual use for agricultural purposes, although there is no building thereon;
- (d) "municipality" means the corporation of a city, town, village, township or improvement district;
- (e) "notice of vesting" means a notice of vesting prepared under subsection 9 (3) and includes the title conferred by the registration of the notice of vesting;
- (f) "prescribed" means prescribed by the regulations made under this Act;
- (g) "public sale" means a sale either by public auction or public tender conducted in accordance with this Act and the prescribed rules;
- (h) "real property taxes" means the amount of taxes levied on real property under the *Municipal Act*, the *Education Act* and the *Ontario Unconditional Grants Act*, and any amounts owed under the *Local Improvement Act*, the *Drainage Act*, the *Tile Drainage Act* and the *Shoreline Property Assistance Act* with respect to the real property and includes any amounts deemed to be taxes on real property by or under any other general or special Act;

- (i) "register" means register in the proper land registry office and "registered" and "registration" have a corresponding meaning;
- (j) "tax arrears" means any real property taxes placed on or added to a collector's roll that remain unpaid on the 1st day of January in the year following that in which they were placed on or added to the roll;
- (k) "tax arrears certificate" means a tax arrears certificate prepared under section 3;
- (l) "tax deed" means a tax deed prepared under subsection 9 (3) and includes the title conferred by the registration of the tax deed;
- (m) "treasurer" means the treasurer of the municipality to which the tax arrears are owed;
- (n) "vacant land" means a parcel of land separately assessed that has no building thereon, but does not include any improved land.

(2) Where, under the *Education Act*, an officer or collector has the powers and duties of a treasurer and the board has the powers and duties of the council of a municipality, this Act and the regulations made under this Act apply to tax arrears and to every sale of land for tax arrears owed to the board.

Application
to tax sales
under
R.S.O. 1980,
c. 129

Register of
title, abstract
index

- (a) "register of title" and "abstract index" include an instrument received for registration before the closing of the land registry office on the day the tax arrears certificate was registered notwithstanding that the instrument has not been abstracted or entered in the register or index at that time;
- (b) "index of executions" and "index of writs received for execution" include a warrant or other process or a certificate of lien that is filed with the sheriff and recorded in the index of executions under the *Land Titles Act* or in the index of writs received for execution by the sheriff, as the case may be.

R.S.O. 1980,
c. 230

2. The Minister of Municipal Affairs and Housing is responsible for the administration of this Act.

Adminis-
tration

3.—(1) Where any part of tax arrears is owing with respect to,

Registration
of tax arrears
certificate

- (a) any improved land in a municipality on the 1st day of January in the third year following that in which the real property taxes become owing; or
- (b) any vacant land in a municipality on the 1st day of January in the second year following that in which the real property taxes become owing,

the treasurer, unless otherwise directed by the municipal council, may prepare and register a tax arrears certificate in the prescribed form against the title to the land with respect to which the tax arrears are owing.

Form

(2) A tax arrears certificate shall indicate that the land described in the certificate will be sold by public sale if the cancellation price is not paid within one year following the date of the registration of the tax arrears certificate.

Escheated
land
1982, c. 4
R.S.O. 1980,
c. 95

(3) This section does not apply to land that is vested in the Crown because of an escheat or forfeiture under the *Business Corporations Act*, 1982 or the *Corporations Act* or any predecessor of those Acts before the registration of a tax arrears certificate, but where land escheats or becomes forfeited under either of those Acts to the Crown after the registration of the tax arrears certificate, the tax arrears certificate continues to have effect and the land may be sold under this Act for tax arrears.

What lands
certificate
may embrace

(4) A tax arrears certificate in respect of improved land shall not embrace more than one such property or any vacant land that is a separate parcel, and a tax arrears certificate in respect of vacant land shall not embrace lots according to more than one registered plan or any improved land.

Notice of
registration

4.—(1) Within sixty days of the registration of a tax arrears certificate, the treasurer shall send or cause to be sent a notice in the prescribed form of the registration of the certificate to the following persons:

1. The assessed owner of the land.
2. In the case of improved land, the assessed tenants in occupation of the land.
3. Where the land is registered under the *Land Titles Act*, every person appearing by the register of title and by the index of executions to have an interest in the land as of the time of closing of the land registry office on the day the tax arrears certificate was reg-

R.S.O. 1980,
c. 230

istered other than a person who has an interest referred to in clause 9 (5) (a) or (b).

4. Where the *Registry Act* applies to the land, every person appearing by the abstract index and by the index of writs received for execution by the sheriff of the county or district in which the land is situate to have an interest in the land as of the time of closing of the land registry office on the day the tax arrears certificate was registered other than a person who has an interest referred to in clause 9 (5) (a) or (b). R.S.O. 1980,
c. 445

(2) Where a notice is sent under this section to a person appearing by the records of the land registry office to be the owner of the land or to a person who is an assessed tenant in occupation of the land, a notice shall also be sent to the spouse of such person and, where this subsection is complied with, section 43 of the *Family Law Reform Act* shall be deemed to have been complied with. Spouse of
owner

(3) Where a notice has been sent under subsection (1) to a corporation, the treasurer shall, within the time limit in subsection (1), send a copy of the notice to the Public Trustee. Corporations

(4) The treasurer, forthwith after complying with subsections (1) to (3), shall make and register a statutory declaration in the prescribed form stating the names and addresses of the persons to whom notice was sent. Statutory
declaration

(5) A person is not entitled to notice under this section if, Limitation

- (a) after a reasonable search of the records mentioned in subsection 11 (1), the treasurer is unable to find the person's address and the treasurer is not otherwise aware of the address; or
- (b) the person has expressly waived the right to notice, either before or after the notice should have been sent.

5.—(1) Before the expiry of the one-year period mentioned in subsection 9 (1), any person may have the tax arrears certificate cancelled by paying to the municipality the cancellation price as of the date the payment is tendered and after the expiry of the one-year period the land shall be sold or vested in the municipality in accordance with section 9. Cancellation
of tax arrears
certificate

Cancellation
certificate

(2) Where payment has been made under subsection (1), the treasurer shall forthwith register a tax arrears cancellation certificate in the prescribed form.

Lien

(3) If the cancellation price is paid by a person entitled to receive notice under subsection 4 (1) or an assignee of any such person, other than the owner of the land or the spouse of the owner, the person has a lien on the land concerned for the amount paid.

Priority
of lien

(4) A lien under subsection (3) has priority over the interest in the land of any person to whom notice was sent under section 4.

Contents of
certificate

(5) Where there is a lien under subsection (3), the tax arrears cancellation certificate shall state that the person named therein has a lien on the land.

Accounting
for
cancellation
price

6.—(1) Except where the cancellation price has been determined in accordance with a by-law passed under section 15, a person who pays the cancellation price before the expiry of the one-year period mentioned in subsection 9 (1), by a written request made within thirty days after making the payment, may require the treasurer to provide an itemized breakdown of the calculation of the cancellation price that has been paid.

Idem

(2) Where the treasurer fails to provide the itemized breakdown of the calculation within thirty days of the request or where the person who made the request is of the opinion that the cancellation price so calculated has not been calculated properly or that the costs included in the cancellation price by the municipality as costs incurred in proceeding under this Act are unreasonable, the person who made the request may apply to the District Court for an accounting of the cancellation price.

Idem

(3) Upon an application for an accounting under subsection (2), the court shall determine the matter and, if the court determines that the cancellation price was not calculated properly or the costs included in the cancellation price are unreasonable, it may make an order setting a cancellation price which is proper and reasonable but no such order shall relieve a taxpayer of any liability to pay any validly imposed real property taxes.

Effect of
tax arrears
cancellation
certificate

7. Unless otherwise shown in the tax arrears cancellation certificate, the certificate, when registered, is conclusive proof of the payment of the cancellation price as of the date set out in it.

8.—(1) A municipality, by a by-law passed after the registration of the tax arrears certificate and before the expiry of the one-year period mentioned in subsection 9 (1), may authorize an extension agreement with the owner of the land extending the period of time in which the cancellation price is to be paid and the agreement may be subject to such terms and conditions relating to payment as are set out in it, but it shall not,

Extension agreements

- (a) reduce the amount of the cancellation price; or
- (b) prohibit any person from paying the cancellation price at any time.

(2) Every extension agreement entered into under subsection (1) shall state,

Mandatory contents

- (a) when and under what conditions it shall cease to be considered a subsisting agreement;
- (b) that any person may pay the cancellation price at any time; and
- (c) that it terminates upon payment of the cancellation price by any person.

(3) The period during which there is a subsisting extension agreement shall not be counted by the treasurer in calculating the periods mentioned in subsection 9 (1).

Calculation of time

(4) The treasurer, on the request of any person, shall permit the person to inspect a copy of an extension agreement entered into under this section and shall provide copies thereof at the same rate as is charged under section 78 of the *Municipal Act*.

Inspection of extension agreement

(5) When the terms of an extension agreement have been fulfilled, the treasurer shall forthwith register a tax arrears cancellation certificate in the prescribed form.

R.S.O. 1980,
c. 302

Cancellation certificate

9.—(1) If the cancellation price remains unpaid at the expiry of the period of 280 days from the day of the registration of the tax arrears certificate, the treasurer, within thirty days of the expiry of the 280 day period, shall send or cause to be sent to the persons entitled to receive notice under section 4 a final notice in the prescribed form that the land will be advertised for public sale unless the cancellation price is paid before the end of the one-year period following the date of the registration of the tax arrears certificate.

Public sale

Advertisement

(2) If, at the end of the one-year period following the date of the registration of the tax arrears certificate,

- (a) the cancellation price remains unpaid; and
- (b) there is no subsisting extension agreement,

the land shall be offered for public sale by public auction or public tender, as the treasurer shall decide, and the treasurer shall forthwith,

- (c) make a statutory declaration in the prescribed form stating the names and addresses of the persons to whom notice was sent under subsection (1);
- (d) advertise the land for sale once in *The Ontario Gazette* and once a week for four weeks in a newspaper that, in the opinion of the treasurer, has such circulation within the municipality as to provide reasonable notice of the sale or, where there is no such newspaper, the treasurer shall post notice in the municipal office and one other prominent place in the municipality and the advertisement shall be in the prescribed form.

Conduct of sale

(3) The treasurer, in accordance with the prescribed rules, shall conduct a public sale and determine whether there is a successful purchaser and,

- (a) where there is a successful purchaser, the treasurer shall prepare and register a tax deed in the prescribed form in the name of the successful purchaser or in such name as the successful purchaser may direct; or
- (b) where there is no successful purchaser, the treasurer shall prepare and register, in the name of the municipality, a notice of vesting in the prescribed form.

Statutory declaration

(4) The treasurer shall make and register, at the time of registering the tax deed or notice of vesting, a statutory declaration in the prescribed form stating that,

- (a) the tax arrears certificate was registered with respect to the land at least one year before the land was advertised for sale;

- (b) notices were sent and the statutory declarations were registered in substantial compliance with this Act and the regulations made under this Act;
- (c) the cancellation price was not paid within one year following the date of the registration of the tax arrears certificate; and
- (d) the land was advertised for sale, in substantial compliance with this Act and the regulations made under this Act.

(5) A tax deed or notice of vesting, when registered, vests in the person named therein or in the municipality, as the case may be, an estate in fee simple in the land, together with all rights, privileges and appurtenances and free from all estates and interests, subject only to,

- (a) easements and restrictive covenants that run with the land;
- (b) any estates and interests of the Crown in right of Canada or in right of Ontario; and
- (c) any interest or title acquired by adverse possession by abutting landowners before the registration of the tax deed or notice of vesting.

(6) A tax deed or notice of vesting, when registered, vests in the person named therein or the municipality, as the case may be, any interest in or title to adjoining land acquired by adverse possession before the registration of the tax deed or notice of vesting if the person originally acquiring the interest or title by adverse possession did so as a consequence of possession of the land described in the tax deed or notice of vesting.

(7) A tax deed does not,

- (a) impose an obligation on the municipality to provide vacant possession;
- (b) invalidate or in any way affect the collection of a rate that has been assessed, imposed or charged on the land under any Act by the municipality before the registration of the tax deed and that accrues or becomes due after the registration of the tax deed.

(8) The council of the municipality to which the tax arrears are owed may by resolution authorize the municipality to bid

Effect of
conveyance

Idem

No
warranty

Municipal
bid or tender

at or submit a tender in a public sale conducted under this section if the municipality requires the land for a municipal purpose.

Inspection of
statutory
declaration

R.S.O. 1980,
c. 302

Power of
treasurer

Value of
land

Application
of proceeds

Payment
into court

Payment out
of court

Idem

Forfeiture

(9) The treasurer, on the request of any person, shall permit the person to inspect a copy of the statutory declaration made under clause (2) (c) and shall provide copies thereof at the same rate as is charged under section 78 of the *Municipal Act*.

(10) Notwithstanding anything in the prescribed rules, except the rules relating to the determination of the successful purchaser, the treasurer, in conducting a sale under this Act, may do all things as are, in his or her opinion, necessary to ensure a fair and orderly sale.

(11) The treasurer is not bound to inquire into or form any opinion of the value of the land before conducting a sale under this Act and the treasurer is not under any duty to obtain the highest or best price for the land.

10.—(1) The proceeds of a sale under section 9 shall be,

- (a) firstly, applied to pay the cancellation price;
- (b) secondly, paid to all persons, other than the owner, having an interest in the land according to their priority at law; and
- (c) thirdly, paid to the person who immediately before the registration of the tax deed was the owner of the land.

(2) The treasurer shall pay the proceeds of sale, minus the cancellation price, into the District Court together with a statement in the prescribed form outlining the facts under which the payment into court is made.

(3) Any person claiming entitlement under clause (1) (b) or (c) may apply to the District Court within one year of the payment into court under subsection (2) for payment out of court of the amount to which the person is entitled.

(4) On an application under subsection (3), the court shall determine all of the entitlements to receive payments out of the proceeds of sale.

(5) Where no person makes an application under subsection (3) within the one-year period referred to in that subsection, the amount paid into court under subsection (2) shall be

deemed to be forfeited to the municipality and the municipality may apply to the District Court for payment out of court of the amount that was paid in.

(6) Money received by a municipality under subsection (5) shall be paid into the general funds of the municipality. Payment into general funds

11.—(1) Any notice required to be sent to any person under this Act may be given by personal delivery or, in the alternative, may be sent by certified or registered mail. Methods of giving notice

(a) in the case of the assessed owner, to the address of the person as shown on the last returned assessment roll of the municipality;

(b) in the case of any person whose interest is registered against the title of the land, to the address of the person furnished under section 166 of the *Land Titles Act* or section 37 of the *Registry Act* or where no such address has been furnished, addressed to the solicitor whose name appears on the registered instrument by which that person appears to have an interest;

R.S.O. 1980,
cc. 230, 445

(c) in the case of a person appearing to have an interest in the land by the index of executions with respect to land registered under the *Land Titles Act* or by the index of writs received by the sheriff in the case of land registered under the *Registry Act*, to the address of the person or person's solicitor as shown in the index of executions or in the records of the sheriff of the county or district in which the land is situate;

R.S.O. 1980,
cc. 230, 445

(d) in the case of a spouse of the person appearing by the records of the land registry office to be the owner of the land, addressed to “the spouse of (*name of person*)” at the usual or last known address of such spouse or, where that address is not known to the treasurer, at the address of the land; and

(e) in the case of the Public Trustee, addressed to him or her at his or her office in Toronto.

(2) Any notice required to be sent under this Act to an assessed tenant in occupation of the land and to his or her spouse may be given to them jointly by personal delivery or by ordinary mail addressed to “the occupant and spouse” at the address of the land. Idem

Idem

(3) Where there are six or more assessed tenants in occupation of the land, the notice referred to in subsection (2) may be given by placing a placard containing the terms of the notice in a conspicuous place on the land and the placing of the placard shall be deemed to be sufficient service of the notice.

Statutory declaration, effect

(4) A statutory declaration,

- (a) registered under subsection 4 (4) or made under clause 9 (2) (c) is *prima facie* proof that the notices required to be sent were sent to the persons named in the statutory declaration and received by them;
- (b) registered under subsection 9 (4) is conclusive proof of the matters referred to in clauses 9 (4) (a) to (d).

Receipt of notice

(5) Nothing in this Act requires the treasurer to ensure that a notice that is properly sent under this Act is received by the person to whom it was sent.

Voidable proceedings

12.—(1) No proceedings for the sale of land under this Act are void by reason of any neglect, omission or error but, subject to this section and to section 13, any such neglect, omission or error may render the proceedings voidable.

Idem

(2) Subject to subsection (4) and to section 13,

- (a) a failure on the part of the treasurer to substantially comply with section 4 or subsection 9 (1) of this Act; or
- (b) an error or omission in the registration or sale of the land, other than an error or omission mentioned in subsection (5),

renders the proceedings under this Act voidable.

Duty of treasurer

(3) Where, before the registration of a tax deed or notice of vesting, the treasurer becomes aware of a failure, error or omission referred to in subsection (2), the treasurer shall forthwith register a tax arrears cancellation certificate in the prescribed form but this subsection does not apply so as to prevent the treasurer from registering a new tax arrears certificate and proceeding under this Act.

Actual prejudice

(4) Proceedings for the sale of land under this Act are not voidable unless the person complaining of any neglect, error or omission establishes that he or she suffered actual prejudice as a result of the neglect, error or omission.

(5) No proceedings under this Act are rendered voidable by reason of,

- (a) a failure on the part of the treasurer to distrain for any reason or take any other action for the collection of taxes;
- (b) an error in the cancellation price other than a substantial error;
- (c) any error in the notices sent or delivered under this Act if the error has not substantially misled the person complaining of the error;
- (d) any error in the publishing or posting of advertisements if the error has not substantially misled the person complaining of the error; or
- (e) any error in the description of the land in the tax arrears certificate if the error has not substantially misled the person complaining of the error.

No duty to
distrain,
effect of
miscalcu-
lation
of cancel-
lation
price

(6) Where, in the opinion of the treasurer,

- (a) it is not in the financial interests of the municipality to continue with proceedings under this Act; or
- (b) because of some neglect, error or omission, it is not practical or desirable to continue proceedings under this Act,

Treasurer
may halt
proceedings

the treasurer may register a cancellation certificate in the prescribed form, but this subsection does not apply so as to prevent the treasurer from registering a new tax arrears certificate and proceeding under this Act.

13.—(1) Subject to proof of fraud, every tax deed and notice of vesting, when registered, is final, binding and conclusive and not subject to challenge for any reason including, without limiting the generality of the foregoing,

Effect of
registration
of tax deed
or notice of
vesting

- (a) the invalidity of any assessment upon which the tax arrears were based; and
- (b) the breach of any requirements, including notice requirements, imposed by this or any other Act or otherwise by law,

and no action may be brought for the recovery of the land after the registration of the tax deed or notice of vesting if the

statutory declaration required by subsection 9 (4) has been registered.

Idem

(2) Subsection (1) does not apply so as to prevent a person from bringing an action for damages against the municipality.

Mining
rights
R.S.O. 1980,
c. 268

14.—(1) Where land, the mining rights in which are liable for a tax imposed under the *Mining Act* or a predecessor of that Act, is sold for taxes or is vested in a municipality under this Act or under a predecessor of this Act, on or after the 1st day of April, 1954, such sale or vesting creates a severance of the surface rights from the mining rights, and only the surface rights in the land pass to the tax sale purchaser or vest in the municipality, as the case may be, and the sale or registration does not in any way affect the mining rights.

Idem

R.S.O. 1980,
c. 269

R.S.O. 1980,
c. 302

R.S.O. 1980,
c. 303

(2) Notwithstanding subsection (1) or anything else in this or any other Act but subject to any forfeiture to the Crown legally effected under the *Mining Tax Act* or a predecessor of that Act, where land the mining rights in which were liable for area tax under the *Mining Tax Act* or its predecessor, was sold for taxes under the *Municipal Act* or any predecessor thereof or was vested in a municipality upon registration of a tax arrears certificate under the *Municipal Affairs Act* or any predecessor of that Act before the 1st day of April, 1954, and there had been, before the sale or registration, no severance of the surface rights from the mining rights, and the sale or certificate purported to vest all rights in the land in the tax sale purchaser or in the municipality, as the case may be, such sale or certificate shall be deemed to have vested in the tax sale purchaser or in the municipality, without severance, both the surface and mining rights.

Scale of
costs

15. The council of a municipality, in lieu of charging the municipality's actual costs in determining any cancellation price, may by by-law fix a scale of costs to be charged as the reasonable costs of proceedings under this Act, which scale shall be designed to meet only the anticipated costs of the municipality.

Treasurer,
immunity
from
civil actions

16.—(1) No action or other proceeding for damages shall be brought against the treasurer or any officer or employee of the municipality acting under the treasurer's authority as a result of any act done in good faith in the performance or intended performance of any duty or in the intended exercise of any power under this Act or the regulations made under this Act or any neglect or default in the performance or exercise in good faith of such duty or power but any such action or proceeding may be brought against the municipality.

(2) The treasurer may delegate, in writing, to any officer or employee of the municipality any power or duty granted to or vested in the treasurer under this Act.

Delegation
of duties

17.—(1) The council of any county may by by-law enter into an agreement with any local municipality within the county authorizing the county treasurer to perform the duties of a treasurer under this Act in respect of land within the local municipality and providing for,

Collection of
tax arrears
by county

- (a) the payment to the county of that portion of the cancellation price that reflects the reasonable costs incurred by the county;
- (b) the method of cancelling any such agreement; and
- (c) such other matters as are necessary to carry out the agreement.

(2) Where an agreement is in force under this section, the county treasurer has all of the powers of the treasurer of the local municipality in relation to the collection of tax arrears, including the power to sell land under this Act, and the county treasurer shall perform all of the duties of the treasurer of the local municipality in relation thereto and only the county may pass by-laws under sections 8 and 15.

County
treasurer,
etc.

(3) Where an agreement under this section is in force, the treasurer of the local municipality shall provide the county treasurer with such information and assistance as is needed by the county treasurer to exercise the powers and duties of a treasurer under this Act.

Treasurer of
local
municipality

(4) Subject to the terms of the agreement, the county or the local municipality may by by-law cancel at any time an agreement entered into under this section.

Cancellation
of agreement

(5) Where a by-law is passed under subsection (4), the clerk of the municipality passing the by-law shall forthwith send a certified copy of the by-law by registered mail to the treasurer of the other municipality.

Notice of
cancellation

(6) Where an agreement under this section is cancelled, the treasurer of the local municipality shall assume the duties of a treasurer under this Act in respect of all land within the municipality except the land referred to in subsection (7).

Effect of
repeals

(7) Where an agreement under this section is cancelled, any proceedings under this Act started by the treasurer of the county in respect of land within the local municipality affected

Idem

by the repeal or cancellation shall be continued and concluded by the county treasurer.

Other upper tier municipalities

(8) This section applies with necessary modifications to every metropolitan, regional and district municipality as if a reference to a county were a reference to such municipality.

Regulations

18.—(1) The Lieutenant Governor in Council may make regulations,

- (a) prescribing forms and providing for their use;
- (b) prescribing rules for the sale of lands under this Act by public sale and, without restricting the generality of the foregoing, the rules,
 - (i) shall set out the method of determining a successful purchaser, and
 - (ii) may require the submission of deposits, in such amount and in such form as may be set out in the rules, and for the forfeiture and disposition thereof.

Idem

(2) A regulation passed under subclause (1) (b) (i) shall provide that a person shall not be declared to be the successful purchaser unless the person's tender or bid is equal to or greater than the cancellation price and the person pays the sale price and land transfer tax payable with respect to the sale within such period of time as may be set out in the rules.

19. Clause 6 (b), sections 20, 40 to 47, 49 and 50, subsections 64 (2) and (3) and Forms 1 to 4 of the *Municipal Affairs Act*, being chapter 303 of the Revised Statutes of Ontario, 1980, are repealed.

20.—(1) Sections 397, 400, 402 to 405, 413 to 418, 420 to 464, 466 to 472 and Form 9 of the *Municipal Act*, being chapter 302 of the Revised Statutes of Ontario, 1980, are repealed.

(2) Section 399 of the said Act is amended by striking out "county or other" in the first line.

(3) Section 401 of the said Act is repealed and the following substituted therefor:

Payments on tax arrears

401. The treasurer of every municipality shall collect the arrears of taxes outstanding after the return of the collector's roll and may receive part payment of taxes returned to the treasurer as in arrears upon any land for any year and shall

credit such payment first on account of the interest and percentage charges, if any, added to such taxes and shall credit the remainder of such payment against that part of the taxes that has been in arrears for the greatest period of time but no such payment shall be received after a tax arrears certificate has been registered under the *Municipal Tax Sales Act, 1984*.

1984, c. 48

(4) Section 409 of the said Act is repealed and the following substituted therefor:

409. The treasurer of a local municipality shall keep a duplicate blank receipt book, and on receipt of any sum of money for taxes on land shall deliver to the person making the payment one of such receipts, retaining the second of the set in the book, and the auditors shall examine and audit such books and accounts at least once in every year.

Treasurer
to keep
duplicate
receipt book

(5) Section 419 of the said Act is repealed and the following substituted therefor:

419. If there are to the knowledge of the treasurer goods and chattels liable to distress upon any land in arrear for taxes, he may levy the arrears of taxes and the costs by distress, and has the same authority to collect by distress as a collector has under this Act, and section 387 applies thereto.

Where
distress on
premises,
treasurer
may distrain

(6) Sections 491, 492, 493 and 494 of the said Act are repealed and the following substituted therefor:

491. Every municipality is responsible to Her Majesty, and to all other persons interested, that all money coming into the hands of the treasurer of the municipality by virtue of the treasurer's office shall be duly paid over and accounted for by the treasurer according to law.

Municipality
responsible
for such
money

492. The treasurer and the treasurer's sureties are responsible and accountable for such money to the municipality and any bond or security given by them for the duly accounting for and paying over money belonging to the municipality applies to all money mentioned in section 484 and may be enforced against the treasurer or the treasurer's sureties in case of default.

Treasurer,
etc.,
responsible
to
municipality

493. The bond of the treasurer and the treasurer's sureties applies to school money and to all public money of Ontario and, in case of default, Her Majesty may enforce the responsibility of the municipality by stopping payment of a like amount out of any public money that would otherwise be payable to the municipality or to the treasurer thereof, or by action against the corporation.

Bonds to
apply to
school
money

City, etc.,
responsible
for default
of treasurer,
etc.

494. Any person aggrieved by the default of the treasurer may recover from the municipality the amount due or payable to such person as money had and received to the person's use.

(7) Form 8 of the said Act is amended by striking out the following paragraph:

"I hereby certify that the above statement shows all arrears of taxes returned to this office against the above lands, and that no part of the lands has been sold for taxes and no certificate of tax arrears has been registered against the lands within the last eighteen months, and that the return under section 397 of the *Municipal Act* has been made for the year 19..."

and inserting in lieu thereof:

"I hereby certify that the above statement shows all arrears of taxes against the above lands, and proceedings have (not) been commenced under the *Municipal Tax Sales Act, 1984*."

1984, c. 48

21.—(1) Subsection 53 (1) of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1982, chapter 32, section 14, is further amended by inserting after "duties" in the eleventh line "including the powers and duties with respect to the sale of land for tax arrears" and by striking out "67 (5) to (12)" in the twelfth and thirteenth lines and inserting in lieu thereof "67 (5), (6) and (12)".

(2) Subsection 67 (1) of the said Act is amended by inserting after "duties" in the seventh line "including the powers and duties with respect to the sale of land for tax arrears".

(3) Subsections 67 (6) to (11) of the said Act are repealed and the following substituted therefor:

Tax sales
officer

(6) The board of a district school area shall name one of its officers as the officer of the board responsible for the sale of land for tax arrears and that officer has the same powers and duties as a treasurer under the *Municipal Tax Sales Act, 1984* and the board has the same powers and duties as a council under that Act.

1984, c. 48

(4) Subsection 69 (3) of the said Act is amended by inserting after "duties" in the sixth line "including the powers and duties with respect to the sale of land for tax arrears".

(5) Subsection 69 (6) of the said Act is amended by striking out "67 (5) to (12)" in the first line and inserting in lieu thereof "67 (5), (6) and (12)".

(6) Subsection 99 (2) of the said Act is repealed and the following substituted therefor:

(2) Every collector has the same powers in collecting the school rate, rate-bill or subscription and is under the same liabilities and obligations and shall proceed in the same manner as a township collector in collecting rates in a township and has the same powers and duties as a treasurer under the *Municipal Tax Sales Act, 1984* and the board by which the collector is employed has the same powers and duties as a council under that Act.

Powers and
duties of
collectors

1984, c. 48

(7) Subsection 112 (2) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 32, section 36, is further amended by inserting after "duties" in the tenth line "including the powers and duties with respect to the sale of land for tax arrears" and by striking out "67 (5) to (12)" in the twelfth line and inserting in lieu thereof "67 (5), (6) and (12)".

22. Subsection 17 (2) of the Assessment Act, being chapter 31 of the Revised Statutes of Ontario, 1980, is repealed.

23.—(1) Notwithstanding section 19 or subsection 20 (1), but subject to subsection (2), where before the day this section comes into force, a tax arrears certificate is registered under the *Municipal Affairs Act* or a certificate is given under section 433 of the *Municipal Act* in respect of any land, the tax arrears proceedings of the applicable Act shall continue to apply to such land.

Transition

R.S.O. 1980,
cc. 303, 302

(2) Notwithstanding subsection (1), where land to which subsection (1) applies has not been the subject of a tax deed under the *Municipal Act* and has not been sold or declared necessary for municipal purposes under the *Municipal Affairs Act* by the 1st day of January, 1987, the land vests in the municipality on the day that a notice of forfeiture is registered under subsection (3).

Vesting

(3) After the 1st day of January, 1987, the treasurer shall register a notice of forfeiture in the prescribed form with respect to each parcel of land to which subsection (2) applies and the notice, when registered, vests in the municipality an estate in fee simple in the land, together with all rights, privileges and appurtenances, free from all estates and interest subject only to,

Notice of
forfeiture

(a) easements and restrictive covenants that run with the land;

(b) any estates and interests of the Crown in right of Canada or in right of Ontario; and

(c) any interest or title acquired by adverse possession by abutting landowners before the registration of the notice.

Idem

(4) A notice of forfeiture, when registered, vests in the municipality any interest in or title to adjoining land acquired by adverse possession before the registration of the notice if the person originally acquiring the interest or title by adverse possession did so as a consequence of possession of the land described in the notice.

Effect of registration of notice of forfeiture

(5) Subject to proof of fraud, every notice of forfeiture, when registered, is final, binding and conclusive and not subject to challenge for any reason including, without limiting the generality of the foregoing,

- (a) the invalidity of any assessment upon which the tax arrears were based; and
- (b) the breach of any requirements, including notice requirements, imposed by this or any other Act or otherwise by law,

and no action may be brought for the recovery of the land after the registration of the notice of forfeiture.

Idem

(6) Subsection (5) does not apply so as to prevent a person from bringing an action for damages against the municipality.

Compromise agreement

R.S.O. 1980,
c. 303

(7) Subsections (2), (3) and (4) do not apply to land that, on the 1st day of January, 1987, is the subject of a subsisting compromise agreement entered into under the *Municipal Affairs Act*.

Application to certain school boards
R.S.O. 1980,
c. 129

(8) This section applies with necessary modifications to proceedings taken under the *Education Act* or any predecessor of that Act by a board authorized under such Act to collect school rates or subscriptions.

Commencement

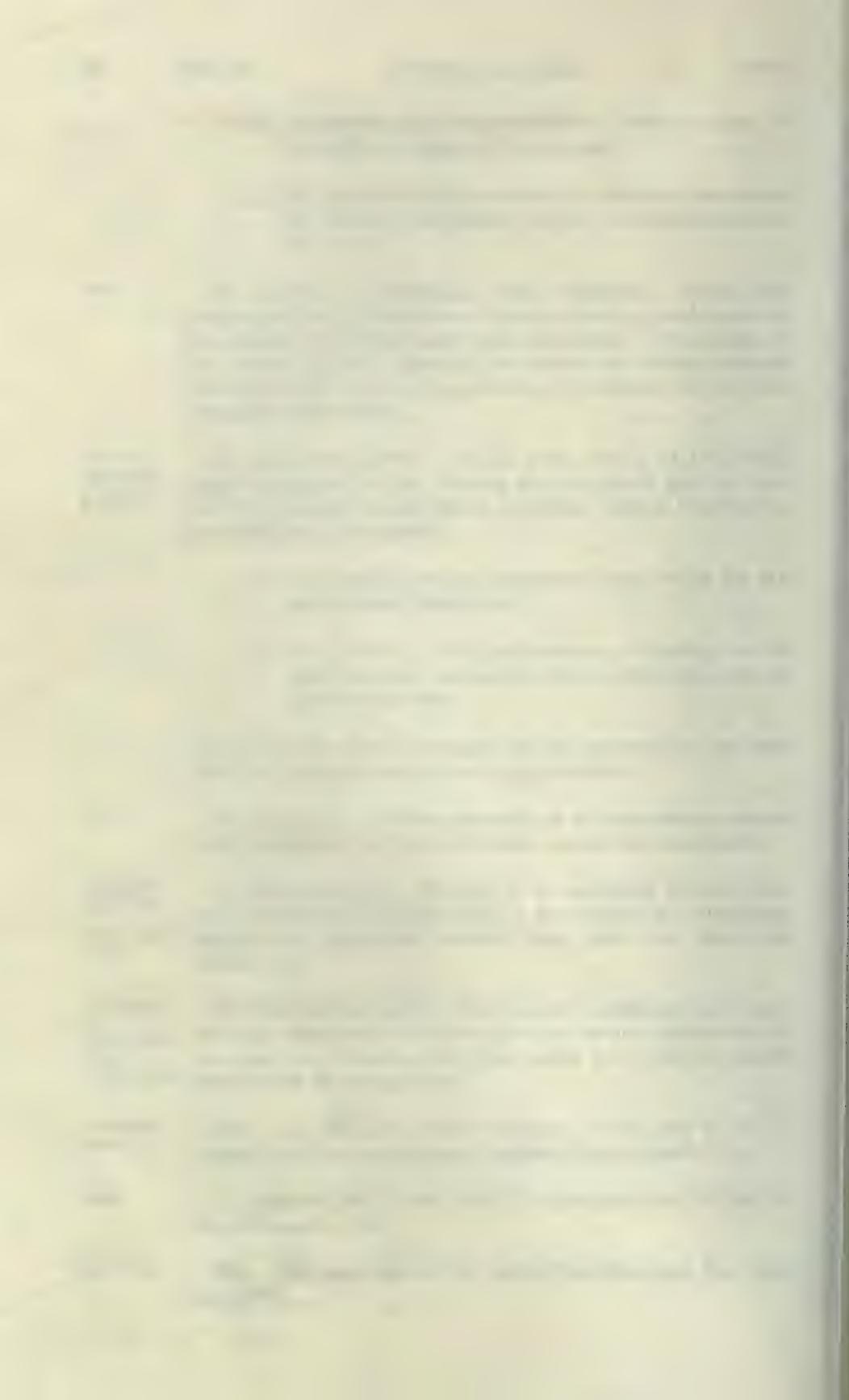
24.—(1) This Act, except sections 2 to 16 and 19 to 23, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 2 to 16 and 19 to 23 come into force on the 1st day of January, 1985.

Short title

25. The short title of this Act is the *Municipal Tax Sales Act, 1984*.



Bill 104

*(Chapter 39
Statutes of Ontario, 1984)*

An Act to amend the Farm Products Payments Act

The Hon. D. R. Timbrell
Minister of Agriculture and Food

<i>1st Reading</i>	June 13th, 1984
<i>2nd Reading</i>	June 21st, 1984
<i>3rd Reading</i>	June 22nd, 1984
<i>Royal Assent</i>	June 27th, 1984

Rodney Lusk

**CLERK
LEGISLATIVE ASSEMBLY**

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Bill 104**1984****An Act to amend the
Farm Products Payments Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Clause 1 (f) of the *Farm Products Payments Act*, being chapter 159 of the Revised Statutes of Ontario, 1980, is amended by striking out "and" at the end of subclause (ii), by adding "and" at the end of subclause (iii) and by adding thereto the following subclause:

- (iv) any person or class of persons engaged in selling a farm product or any class thereof, as an owner or owners or otherwise.

2. Section 3 of the said Act is amended by adding thereto the following subsection:

(1a) Where farm produce within the meaning of the *Grain Elevator Storage Act, 1983* is stored under that Act, and, Idem
1983, c. 40

- (a) the grain elevator operator fails to deliver to the owner the whole or any part of such farm produce upon demand therefor; or
- (b) the whole or any part of the grain elevator operator's assets have been placed in the hands of a trustee for distribution under the *Bankruptcy Act* (Canada) or the *Bulk Sales Act* or in the hands of a receiver for distribution pursuant to a debenture or like instrument and the trustee or receiver fails to deliver to the owner the whole or any part of such farm produce upon demand therefor,
- R.S.C. 1970,
c. B-3;
R.S.O. 1980,
c. 52

the owner may apply to the board that administers the fund for the farm produce claiming payment from such fund.

3. Section 7 of the said Act is amended by adding thereto the following subsection:

Payment
from fund

(2) A board may pay from its fund the whole or any part of the costs incurred in determining financial responsibility for the purposes of an Act mentioned in subsection (1).

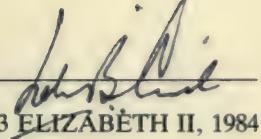
4. Section 8 of the said Act is amended by adding thereto the following clause:

(ba) designating as a producer any person or class of persons engaged in selling a farm product or any class thereof as an owner or owners or otherwise, and may limit the extent of any such designation.

Commencement 5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is the *Farm Products Payments Amendment Act, 1984*.



Bill 105

*(Chapter 40
Statutes of Ontario, 1984)*

An Act to amend the Farm Products Grades and Sales Act

The Hon. D. R. Timbrell
Minister of Agriculture and Food

<i>1st Reading</i>	June 13th, 1984
<i>2nd Reading</i>	June 21st, 1984
<i>3rd Reading</i>	June 22nd, 1984
<i>Royal Assent</i>	June 27th, 1984



CLERK
LEGISLATIVE ASSEMBLY

Bill 105**1984**

**An Act to amend the
Farm Products Grades and Sales Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Clauses 2 (1) (k), (p) and (u) of the *Farm Products Grades and Sales Act*, being chapter 157 of the Revised Statutes of Ontario, 1980, are repealed and the following substituted therefor:

- (k) providing for the exemption from this Act and the regulations, or any part thereof, of any person or class of persons or any farm product or class, variety, grade or size of farm product;
- (p) prescribing grounds for refusal to issue or renew, suspension or revocation of licences in addition to the grounds mentioned in section 10, 11, 12 or 13, as the case may be;
- (pa) requiring the furnishing of security or proof of financial responsibility by dealers or any class thereof and providing for the administration, forfeiture and disposition of any moneys or securities so furnished;
- (pb) prescribing the manner in which, and the conditions under which, a dealer or any class thereof shall make payment for farm products or any class thereof;
- (u) prescribing the books and records to be kept, reports to be made and information to be furnished

by dealers or any class thereof, and the places at which such books and records shall be kept;

- (ua) establishing classes of dealers;
- (ub) establishing classes of farm products.

(2) Subsection 2 (4) of the said Act is repealed and the following substituted therefor:

Adoption by reference

R.S.C. 1970.
c. A-8

(4) Any regulation made under this section may adopt by reference, in whole or in part, with such changes as the Lieutenant Governor in Council considers necessary, any grade, standard, grade name or mark, packaging, packing, marking or labelling requirement or specification of containers or packages established under the *Canada Agricultural Products Standards Act*, as amended or re-enacted from time to time, and may require compliance with any such grade, standard, grade name or mark, packaging, packing, marking or labelling requirement or specification of containers or packages so adopted, including any such changes.

2. Clause 10 (2) (c) of the said Act is repealed and the following substituted therefor:

- (c) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations or the terms and conditions upon which the licence is issued.

3. Clause 11 (b) of the said Act is repealed and the following substituted therefor:

- (b) the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened or has permitted any person under his control or direction in connection with the business to contravene, any provision of this Act or the regulations or of any other law in force in Ontario applying to the carrying on of such business or the terms and conditions of the licence and such contravention warrants such refusal to renew, suspension or revocation of the licence.

4. Clause 12 (4) (d) of the said Act is repealed and the following substituted therefor:

- (d) the applicant is not in a position to observe or carry out the provisions of this Act and the regulations or

the terms and conditions upon which the licence is issued.

5. Clause 13 (b) of the said Act is repealed and the following substituted therefor:

- (b) the licensee or, where the licensee is a corporation, any officer, director or servant thereof has contravened or has permitted any person under his control or direction in connection with the business to contravene, any provision of this Act or the regulations or of any other law in force in Ontario applying to the carrying on of such business or the terms and conditions of the licence and such contravention warrants such refusal to renew, suspension or revocation of the licence.

6. The said Act is amended by adding thereto the following sections:

13a.—(1) The Director may impose such terms and conditions upon a licence as he considers proper.

Terms and conditions

(2) Where a licensee is not satisfied with a term or condition imposed upon his licence by the Director, he may apply to the Director to have the term or condition varied or removed and, where the Director proposes to refuse to vary or remove the term or condition, he shall hold a hearing.

Variation or removal of term or condition

13b.—(1) Notwithstanding section 11 or 13, the Director may, without a hearing, provisionally suspend or refuse to renew a licence where in his opinion it is necessary to do so for the immediate protection of,

Provisional suspension or refusal to renew

- (a) the safety or health of any person or the public;
- (b) the interests of persons selling farm products to the licensee; or
- (c) a fund for producers of farm products established under the *Farm Products Payments Act*.

R.S.O. 1980,
c. 159

(2) Notice of suspension or refusal to renew under subsection (1), together with the reasons therefor, shall be given forthwith to the licensee and, as soon as is practicable thereafter, the Director shall hold a hearing to determine whether the licence should be further suspended or revoked or whether renewal of the licence should be refused.

Notice of suspension or refusal to renew

7. Section 14 of the said Act is repealed and the following substituted therefor:

Continuation
of licence
pending
renewal

14. Subject to section 13b, where within the time prescribed therefor or, if no time is prescribed, before expiry of his licence, a licensee has,

- (a) applied for a renewal of his licence;
- (b) paid the prescribed fee;
- (c) where proof of financial responsibility or security is required, furnished or deposited such proof or security; and
- (d) observed or carried out the other provisions of this Act and the regulations and the terms and conditions upon which the licence was issued,

his existing licence shall be deemed to continue until he has received the decision of the Director on his application for renewal.

8.—(1) Subsection 17 (1) of the said Act is repealed and the following substituted therefor:

Appeal to
Board

(1) Where the Director refuses to issue or renew or suspends or revokes a licence or, after a hearing, imposes terms or conditions upon a licence or refuses to vary a term or condition of a licence, the applicant or licensee may by written notice delivered to the Director and filed with the Board within fifteen days after receipt of the decision of the Director appeal to the Board.

(2) Subsection 17 (3) of the said Act is amended by striking out “to determine whether the licence should be issued, renewed, suspended or revoked” in the third and fourth lines.

9. Section 23 of the said Act is repealed and the following substituted therefor:

Offence

23.—(1) Subject to subsection (2), every person who contravenes any of the provisions of this Act or the regulations is guilty of an offence and on conviction is liable to a fine of not more than \$2,000 for a first offence and not more than \$5,000 for any subsequent offence.

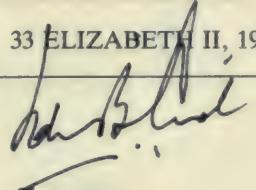
Idem
R.S.O. 1980,
c. 159

(2) Where a fund for producers of a farm product is established under the *Farm Products Payments Act*, every person who commences or continues to carry on business as a dealer

in such farm product without a licence therefor from the Director is guilty of an offence and on conviction is liable to a fine of not less than \$2,000 for a first offence and not less than \$5,000 for any subsequent offence.

10. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor. ^{Commencement}

11. The short title of this Act is the *Farm Products Grades and Sales Amendment Act, 1984*. ^{Short title}



Bill 109

*(Chapter 59
Statutes of Ontario, 1984)*

An Act to amend the Securities Act

The Hon. R. G. Elgie
Minister of Consumer and Commercial Relations

<i>1st Reading</i>	June 18th, 1984
<i>2nd Reading</i>	November 27th, 1984
<i>3rd Reading</i>	December 11th, 1984
<i>Royal Assent</i>	December 14th, 1984



RODNEY LEWIS
CLERK
LEGISLATIVE ASSEMBLY



Bill 109**1984****An Act to amend the Securities Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The *Securities Act*, being chapter 466 of the Revised Statutes of Ontario, 1980, is amended by adding thereto the following section:

138a.—(1) Subject to subsection (2), this Act applies to,

Application
to Her
Majesty

- (a) Her Majesty in right of Canada;
- (b) Her Majesty in right of Ontario; and
- (c) Her Majesty in right of any other province or territory of Canada,

and agents and servants thereof.

(2) Subsections 11 (4) and (6) and sections 16, 17, 59, 118, 126, 127, 129, 131, 132 and 135 do not apply to,

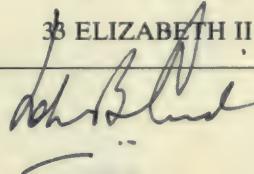
- (a) Her Majesty in right of Canada;
- (b) Her Majesty in right of Ontario;
- (c) Her Majesty in right of any other province or territory of Canada; or
- (d) an agent or servant of Her Majesty, as referred to in clause (a), (b) or (c), where the matter arises from the performance of a duty or the exercise of a power as an agent or servant thereof or from any neglect or default in the performance or exercise of such duty or power.

Commence-
ment

2. This Act shall be deemed to have come into force on the 18th day of June, 1984.

Short title

3. The short title of this Act is the *Securities Amendment Act, 1984*.



Bill 119

(*Chapter 60
Statutes of Ontario, 1984*)

An Act to amend the Education Act

The Hon. B. Stephenson

Minister of Education and Minister of Colleges and Universities

<i>1st Reading</i>	June 27th, 1984
<i>2nd Reading</i>	October 23rd, 1984
<i>3rd Reading</i>	December 11th, 1984
<i>Royal Assent</i>	December 14th, 1984



CLERK
LEGISLATIVE ASSEMBLY

WILHELM

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Bill 119

1984

An Act to amend the Education Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subparagraph ii of paragraph 10a of subsection 1 (1) of the *Education Act*, being chapter 129 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1982, chapter 32, section 1, is repealed and the following substituted therefor:

ii. is acceptable to the Minister as partial fulfillment of the requirements for the Ontario secondary school diploma, the secondary school graduation diploma or the secondary school honour graduation diploma, as the case may be.

2. Clause 8 (1) (i) of the said Act, as re-enacted by the Statutes of Ontario, 1982, chapter 32, section 3, is amended by striking out “*Workmen’s Compensation Act*” in the fourth line and inserting in lieu thereof “*Workers’ Compensation Act*”.

3. The said Act is amended by adding thereto the following section:

8a. The Minister may require a person or organization that has received financial assistance under this Act or the regulations to submit to the Minister a statement prepared by a person licensed under the *Public Accountancy Act* that sets out the details of the disposition of the financial assistance by the person or organization.

Accounting statement related to assistance by Ministry R.S.O. 1980, c. 405

4. Clause 10 (8) (d) of the said Act is repealed and the following substituted therefor:

(d) prescribing the conditions under which fees shall be paid to the Ministry for the evaluation of academic certificates, transcripts and other documents of edu-

fees for evaluations

cational standing, and prescribing the amounts of the fees.

5. Subsection 15 (7) of the said Act is amended by inserting after "to" where it occurs the first time in the fourth line "the Ontario secondary school diploma".

6.—(1) Subsection 59 (7) of the said Act is repealed and the following substituted therefor:

Application
of subs. (4-6)

R.S.O. 1980,
c. 308

(7) Determinations shall be made under subsections (4), (5) and (6) before the 1st day of September in each year in which a regular election is to be held under the *Municipal Elections Act*.

(2) Subsection 59 (9) of the said Act is amended by striking out "and such determination is effective for a period of four years or until the number of members for the school division is increased or decreased under subsection (3) or the boundaries of one or more county or district municipalities within the school division are altered or are to be altered effective on or before the 1st day of January next following the election" in the twenty-sixth to the thirty-second lines.

(3) Section 59 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 32, section 16, is further amended by adding thereto the following subsection:

New city

(34) A new city that is to be erected effective on or before the 1st day of January next following a regular election under the *Municipal Elections Act* shall be deemed, for the purposes of subsections (1) to (33), to have been erected, but this subsection does not apply in respect of determining the persons responsible for performing duties in connection with the regular election.

7.—(1) Subsection 113 (6) of the said Act is repealed and the following substituted therefor:

Application
of subs. (4)

R.S.O. 1980,
c. 308

(6) A determination shall be made under subsection (4) before the 1st day of September in each year in which a regular election is to be held under the *Municipal Elections Act*.

(2) Section 113 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 32, section 37, is further amended by adding thereto the following subsections:

Change of
boundaries

(24) Where the boundaries of a county or district combined separate school zone or of a municipality are to be altered effective on or before the 1st day of January next following a

regular election under the *Municipal Elections Act*, the boundaries shall be deemed, for the purposes of subsections (1) to (23), to have been so altered, but this subsection does not apply in respect of determining the persons responsible for performing duties in connection with the regular election.

(25) A new city that is to be erected effective on or before the 1st day of January next following a regular election under the *Municipal Elections Act* shall be deemed, for the purposes of subsections (1) to (24), to have been erected, but this subsection does not apply in respect of determining the persons responsible for performing duties in connection with the regular election.

New city

8. Subsection 126 (1) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 47, section 21, is amended by striking out "prescribed form" in the first line and inserting in lieu thereof "form prescribed by the regulations".

9. Form 2 of Part IV of the said Act is repealed.

10. Paragraph 38 of subsection 150 (1) of the said Act is repealed and the following substituted therefor:

38. with the approval of the Minister, conduct an education program in a centre, facility, home, hospital or institution that is approved, designated, established, licensed or registered under any Act and in which the Ministry does not conduct an education program.

programs in
detention
homes

11.—(1) Subsection 158 (1) of the said Act is amended by inserting after "and" in the sixth line "subject to subsection (1b)".

(2) Section 158 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 32, section 42, is further amended by adding thereto the following subsection:

(1b) Where, pursuant to a collective agreement, or a policy of the board, an employee to whom subsection (1) applies has elected to accept a reduction in employment from full-time to part-time employment in respect of one or more years or school years, as the case may be, including the year or school year immediately preceding his termination of employment by reason of retirement, the limitation upon the amount of the gratuity payable under subsection (1) does not apply to the employee and, in lieu thereof, the maximum amount receivable by the employee shall not be in excess of an amount equal to one-half of the full-time annual rate of the earnings

Idem

received by the employee for the last complete year or school year, as the case may be, in which the employee was employed by the board.

12. Subsection 165 (3) of the said Act is amended by striking out "subsection (1) or (2)" in the first and second lines and inserting in lieu thereof "subsection (1), (1a) or (2)".

13. Subsection 170 (1) of the said Act is repealed and the following substituted therefor:

Disposal of realty

(1) A board that is in possession of real property that was originally granted by the Crown for school purposes and that has reverted or may have reverted to the Crown may continue in possession of the real property for school purposes and when the board determines that the real property is no longer required for school purposes, the board may, with the approval of the Lieutenant Governor in Council and subject to such conditions as are prescribed by the Lieutenant Governor in Council, sell, lease or otherwise dispose of the real property.

14. Clause 182 (7) (c) of the said Act is amended by striking out "74 (4) (b)" in the third line and inserting in lieu thereof "74 (4) (a)".

15. Section 215 of the said Act is amended by adding thereto the following subsections:

Transfer of payments

(9) The council of each municipality shall cause each instalment that the council is required by subsections (1) to (8) to pay to a board to be delivered to the board not later than noon on, or deposited in the board's bank account for credit to the board not later than, the date on which the council is required by those subsections to pay the instalment.

Interpretation

(10) In this section, "bank account", in relation to a board, means the account kept in a chartered bank of Canada in the name of the board and designated by the board for the purpose of this section.

Business days

(11) The council of a municipality that is required by subsections (1) to (10) to pay an instalment on a date that falls on a Saturday, a Sunday or any other day on which the offices of the board are not open for business shall comply with subsection (9) on the day on which the offices of the board are open for business next preceding the instalment due date.

16. The said Act is further amended by adding thereto the following section:

252a.—(1) A board that is required by this Act to employ a director of education in any year or that appoints a director of education or a supervisory officer with the approval of the Minister shall not abolish the position of director of education or supervisory officer, as the case may be, without the approval of the Minister.

Abolition
of position

(2) Where, before this section comes into force, a board has abolished a position mentioned in subsection (1), the Minister may require the board to re-establish the position and the board shall comply with the requirement forthwith.

Idem

17.—(1) Subsection 258 (1) of the said Act is repealed and the following substituted therefor:

(1) In this section,

Interpretation

- (a) “board” means a board of education, public school board or separate school board;
- (b) “French-language instructional unit” means a class, group of classes or school in which French is the language of instruction;
- (c) “French-speaking person” means a child of a person who has the right under section 23 of the *Canadian Charter of Rights and Freedoms* to have his children receive primary and secondary school instruction in the French language in Ontario.

(2) Subsection 258 (2) of the said Act, as amended by the Statutes of Ontario, 1982, chapter 32, section 61, is repealed and the following substituted therefor:

(2) Every French-speaking person who is qualified under this Act to be a resident pupil of a board has the right to receive elementary school instruction in a French-language instructional unit operated or provided by the board.

Right to
instruction
in French-
language
instructional
unit

(3) Subsections 258 (3) to (6) of the said Act are repealed and the following substituted therefor:

(3) Every board that has one or more resident pupils who exercise their right to receive instruction in a French-language instructional unit shall establish and operate one or more French-language instructional units for those pupils or shall enter into an agreement with another board to enable those pupils to receive instruction in a French-language instructional unit operated by the other board.

Duty of
board to
provide
French-
language
instructional
unit

Meals,
lodging and
transportation

(4) A board that provides a French-language instructional unit for elementary school instruction by means of an agreement with another board shall provide to each French-speaking resident pupil of the first-mentioned board who is a pupil in the French-language instructional unit and resides with the parent or other person who has lawful custody of the pupil more than twenty-four kilometres from the French-language instructional unit,

- (a) an allowance payable monthly in an amount set by the board for meals and lodging for each day of attendance as certified by the principal in respect of the French-language instructional unit and for transportation once a week from the pupil's residence to the lodging and return; or
- (b) daily transportation in a manner determined by the board from the pupil's residence to the French-language instructional unit and return, where the parent or other person who has lawful custody of the pupil elects to have daily transportation.

English as
a subject of
instruction

(5) English may be a subject of instruction in any grade in a French-language instructional unit mentioned in subsection (2).

Idem,
grades 5, 6,
 $\frac{7}{7}$ and 8

(6) English shall be a subject of instruction in grades 5, 6, 7 and 8 in every French-language instructional unit.

Admission
of pupils
other than
French-
speaking
pupils

(6a) A board, on the request of the parent of a pupil of the board who is not a French-speaking person, or of a person who has lawful custody of a pupil of the board who is not a French-speaking person, or of a pupil of the board who is an adult and is not a French-speaking person, may admit the pupil to a French-language instructional unit if the admission is approved by majority vote of an admissions committee appointed by the board and composed of the principal of the school to which admission is requested, a teacher who uses the French language in instruction in the school and a French-speaking supervisory officer employed by the board or arranged for in accordance with subsection (7).

(4) Subsection 258 (8) of the said Act is repealed and the following substituted therefor:

English-
language
schools
or classes

(8) Where a board provides one or more French-language elementary schools, a resident pupil of the board has the right to receive instruction in the English language and subsections (2), (3) and (4) apply with necessary modifications in respect of the resident pupil and the board.

18.—(1) Clause 260 (a) of the said Act is amended by adding at the end thereof “or a secondary school board formed under section 69”.

(2) Section 260 of the said Act is amended by adding thereto the following clause:

(ca) “French-speaking person” means a child of a person who has the right under section 23 of the *Canadian Charter of Rights and Freedoms* to have his children receive primary and secondary school instruction in the French language in Ontario.

19. Section 261 of the said Act, as amended by the Statutes of Ontario, 1982, chapter 32, section 62, is repealed and the following substituted therefor:

261.—(1) Every French-speaking person who is qualified under this Act to be a resident pupil of a board has the right to receive secondary school instruction in a French-language instructional unit operated or provided by the board.

Right to instruction in French-language instructional unit

(2) Every board that has one or more resident pupils who exercise their right to receive instruction in a French-language instructional unit shall establish and operate one or more French-language instructional units for those pupils or shall enter into an agreement with another board to enable those pupils to receive instruction in a French-language instructional unit operated by the other board.

Duty of board to provide French-language instructional unit

(3) A board that provides a French-language instructional unit for secondary school instruction by means of an agreement with another board shall provide to each French-speaking resident pupil of the first-mentioned board who is a pupil in the French-language instructional unit and resides with the parent or other person who has lawful custody of the pupil more than twenty-four kilometres from the French-language instructional unit,

Meals, lodging and transportation

(a) an allowance payable monthly in an amount set by the board for meals and lodging for each day of attendance as certified by the principal in respect of the French-language instructional unit and for transportation once a week from the pupil's residence to the lodging and return; or

(b) daily transportation in a manner determined by the board from the pupil's residence to the French-language instructional unit and return, where the par-

ent or other person who has lawful custody of the pupil elects to have daily transportation.

20. Subsection 268 (1) of the said Act is repealed and the following substituted therefor:

Attendance
of committee
chairman at
board
committee
meeting

(1) The chairman of the committee or a member of the committee designated by the chairman of the committee has the right to attend a meeting of a committee of the board, including a committee of the whole board, and shall be given the opportunity to be heard at the meeting in respect of any matter that affects French-speaking pupils and that is within the jurisdiction of the committee of the board or the committee of the whole board, as the case may be.

21. Section 271 of the said Act is repealed.

22. Subsection 272 (1) of the said Act is amended by striking out “number of pupils of the board elect” in the second and third lines and inserting in lieu thereof “pupil of the board elects”.

23. Subsection 273 (1) of the said Act is amended by striking out “an English-speaking pupil of the board” in the first and second lines and inserting in lieu thereof “a pupil of the board who is not a French-speaking person”.

24. Subsection 277 (2) of the said Act is repealed and the following substituted therefor:

Resolution
by board

(2) Within thirty days of the receipt by the board of the recommendation of the Commission, the board shall resolve either to implement the recommendation or not to implement the recommendation.

Notice to
Commission

(3) The board shall give to the Commission written notice of the resolution.

Where board
resolves not
to implement
recommendation

(4) A board that resolves not to implement the recommendation shall also give to the Minister written notice of the resolution and shall give to the Minister and to the Commission written reasons for the decision.

Time for
notices
and reasons

(5) The board shall give the notices and reasons within the thirty day period mentioned in subsection (2).

25. The said Act is further amended by adding thereto the following sections:

277a.—(1) A board that resolves not to implement the recommendation of the Commission may rescind the resolution and resolve to implement the recommendation.

Second
resolution

(2) In the event of a conflict between subsection (1) and a by-law of the board, subsection (1) prevails.

Conflict
with by-law

(3) A board must act under subsection (1) within sixty days after receiving the recommendation of the Commission.

Time for
second
resolution

277b.—(1) Where a board does not resolve to implement the recommendation of the Commission within the period of time mentioned in section 277 or 277a, as the case requires, the Commission shall reconsider the matter and shall make a written report and recommendation to the Minister in respect of the matter.

Reconsidera-
tion by
Commission

(2) The Minister shall consider the report and recommendation of the Commission under subsection (1) and shall make such order to the board or the Commission, or both, to deal with the matter as the Minister considers appropriate in the circumstances.

Order by
Minister

(3) The report and recommendation of the Commission are not binding upon the Minister, and the Minister is not required to give to any person an opportunity to make submissions or to be heard before making an order under subsection (2).

Report and
recommen-
dation
not binding
on Minister

(4) An order by the Minister under subsection (2), exclusive of the reasons, if any, therefor may be filed in the office of the Registrar of the Supreme Court, whereupon the order shall be entered in the same way as a judgment or order of that court and is enforceable as an order of that court.

Enforcement
of order

(5) An order by the Minister under subsection (2),

Service
of order

(a) to a board is effective according to its terms when a copy is served upon the secretary of the board; and

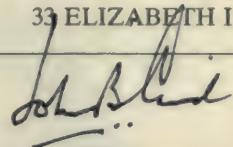
(b) to the Commission is effective according to its terms when a copy is served upon the chairman of the Commission.

26.—(1) This Act, except sections 17, 18, 19, 21, 22 and 23, comes into force on the day it receives Royal Assent.

Commence-
ment

Idem (2) Sections 17, 18, 19, 21, 22 and 23 come into force on the 1st day of September, 1985.

Short title **27.** The short title of this Act is the *Education Amendment Act, 1984*.



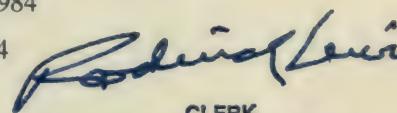
Bill 122

*(Chapter 12
Statutes of Ontario, 1984)*

An Act to revise the Architects Act

The Hon. R. McMurtry
Attorney General

<i>1st Reading</i>	March 20th, 1984
<i>2nd Reading</i>	March 20th, 1984
<i>3rd Reading</i>	April 24th, 1984
<i>Royal Assent</i>	May 1st, 1984



CLERK
LEGISLATIVE ASSEMBLY

Bill 122**1984****An Act to revise the Architects Act****CONTENTS**

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22. Supervision by architect	48. Onus of proof
23. Limited certificate of practice	49. Service of notice
24. Temporary licence	50. Registrar's certificate as evidence
25. Proposal to refuse to issue, suspend, revoke or impose conditions	51. Immunity
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	53. Annual report
	54. Application of the <i>Corporations Act</i>
	55. Repeal
	56. Commencement
	57. Short title

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

- (a) "Academic Requirements Committee" means the Academic Requirements Committee appointed pursuant to the regulations;
- (b) "architect" means the holder of a licence, a certificate of practice or a temporary licence;
- (c) "architectural services" means services that are part of or are related to the practice of architecture;
- (d) "Association" means Ontario Association of Architects;
- (e) "building" means a structure consisting of a wall, roof and floor, or any one or more of them;
- (f) "by-laws" means by-laws made under this Act;
- (g) "certificate of practice" means certificate of practice to engage in the practice of architecture issued under this Act;
- (h) "Complaints Review Councillor" means the Complaints Review Councillor appointed under this Act;
- (i) "construction" means the doing of anything in the erection, installation, extension or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere and, "constructed" has a corresponding meaning;
- (j) "Council" means Council of the Association;
- (k) "design" means a plan, sketch, drawing, graphic representation or specification intended to govern the construction, enlargement or alteration of a building or a part of a building;
- (l) "Experience Requirements Committee" means the Experience Requirements Committee appointed pursuant to the regulations;
- (m) "general certificate of authorization" means general certificate of authorization to provide services that

are within the practice of professional engineering,
issued under the *Professional Engineers Act, 1984*;

1984, c. 13

- (n) "general review", in relation to the construction, enlargement or alteration of a building, means an examination of the building to determine whether the construction, enlargement or alteration is in general conformity with the design governing the construction, enlargement or alteration, and reporting thereon;
- (o) "graphic representation" means a representation produced by electrical, electronic, photographic or printing methods and includes a representation produced on a video display terminal;
- (p) "Joint Practice Board" means the Joint Practice Board under this Act;
- (q) "licence" means licence to engage in the practice of architecture issued under this Act;
- (r) "Minister" means the Attorney General or such other member of the Executive Council as is designated by the Lieutenant Governor in Council;
- (s) "practice of architecture" means,
 - (i) the preparation or provision of a design to govern the construction, enlargement or alteration of a building,
 - (ii) evaluating, advising on or reporting on the construction, enlargement or alteration of a building, or
 - (iii) a general review of the construction, enlargement or alteration of a building;
- (t) "professional engineer" means a person who holds a licence or a temporary licence under the *Professional Engineers Act, 1984*;
- (u) "Registrar" means Registrar of the Association;
- (v) "regulations" means regulations made under this Act;

1984, c. 13

(w) "temporary licence" means temporary licence to engage in the practice of architecture issued under this Act.

Association

2.—(1) The Ontario Association of Architects, a body corporate, is continued as a corporation without share capital.

Principal object

(2) The principal object of the Association is to regulate the practice of architecture and to govern its members, holders of certificates of practice and holders of temporary licences in accordance with this Act, the regulations and the by-laws in order that the public interest may be served and protected.

Additional objects

(3) For the purpose of carrying out its principal object, the Association has the following additional objects:

1. To establish, maintain and develop standards of knowledge and skill among its members.
2. To establish, maintain and develop standards of qualification and standards of practice for the practice of architecture.
3. To establish, maintain and develop standards of professional ethics among its members.
4. To establish and maintain or to assist in the establishment and maintenance of classes, schools, exhibitions or lectures in, and to promote public appreciation of, architecture and the allied arts and sciences.
5. To perform such other duties and exercise such other powers as are imposed or conferred on the Association by or under any Act.

Capacity and powers of Association

(4) For the purpose of carrying out its objects, the Association has the capacity and the powers of a natural person.

Council

3.—(1) The Council of the Association is continued and shall be the governing body and board of directors of the Association and shall manage and administer its affairs.

Composition of Council

(2) The Council shall be composed of,

- (a) not fewer than twelve and not more than twenty persons who are members of the Association and who are elected by the members of the Association as provided by the regulations;

- (b) not fewer than three and not more than five persons who are not members of the governing body of a self-regulating licensing body under any other Act or licensed under this Act and who are appointed by the Lieutenant Governor in Council; and
- (c) the immediate past president of the Council, if he is not an elected member of the Council.

(3) No person shall be elected or appointed to the Council Idem
unless he is a Canadian citizen resident in Ontario.

(4) The persons appointed under clause (2) (b) shall be paid, out of the moneys appropriated therefor by the Legislature, such expenses and remuneration as is determined by the Lieutenant Governor in Council.

Remuneration
of lay
members

(5) On the first appointment of persons to the Council by the Lieutenant Governor in Council,

Term of
office, first
appointed
members

- (a) one-third, or as near thereto as possible, shall be appointed for a one year term;
- (b) one-third, or as near thereto as possible, shall be appointed for a two year term; and
- (c) the remainder shall be appointed for a three year term.

(6) In each year after the first appointments, the persons to be appointed by the Lieutenant Governor in Council shall be appointed for one year, two year or three year terms in order that one-third or as near thereto as possible, shall be appointed in each year.

Term of
office,
appointed
members

(7) Every member of the Association who is not in default of payment of the annual fee prescribed by the by-laws is qualified to vote at an election of members of the Council.

Qualifica-
tions to
vote

(8) The Council shall elect a president, a treasurer and one or more vice-presidents from among its elected members.

Officers

(9) The Council shall appoint during pleasure a Registrar and may appoint one or more deputy registrars who shall have the powers of the Registrar for the purposes of this Act, and may appoint such other persons as are from time to time necessary or desirable in the opinion of the Council to perform the work of the Association.

Registrar
and staff

- Quorum** (10) A majority of the members of the Council constitutes a quorum.
- Vacancies** (11) Where one or more vacancies occur in the membership of the Council, the members remaining in office constitute the Council so long as their number is not fewer than a quorum.
- Filling of vacancy** (12) A vacancy on the Council caused by the death, resignation, removal or incapacity to act of an elected member of the Council shall be filled by a member of the Association,
- (a) where a quorum of the Council remains in office, appointed by the majority of the Council, and the member so appointed shall be deemed to be an elected member of the Council; or
 - (b) where no quorum of the Council remains in office, elected in accordance with the regulations,
- and the member so appointed or elected shall hold office for the unexpired portion of the term of office of the member whose office he is elected or appointed to fill.
- Meetings of Council** (13) The Council shall meet at least four times a year.
- Continuation of Council members** (14) The members of the Council who were in office immediately before the coming into force of this Act are continued in office until the expiration of their terms or until their offices otherwise become vacant.
- Annual meetings** **4.—(1)** The Association shall hold an annual meeting of the members of the Association not more than fifteen months after the holding of the last preceding annual meeting.
- Proxies** (2) A member of the Association entitled to vote at a meeting of members of the Association may, by means of a proxy, appoint a member as his nominee, to attend and act at the meeting in the manner, to the extent and with the power conferred by the proxy.
- Membership** **5.—(1)** Every person licensed by the Association is a member of the Association, subject to any term, condition or limitation to which the licence is subject.
- Resignation of membership** (2) A member may resign his membership by filing with the Registrar his resignation in writing and his licence is thereupon cancelled, subject to the continuing jurisdiction of the Association in respect of any disciplinary action arising out of his professional conduct while a member.

6. In addition to his other powers and duties under this Act, the Minister may,

Powers
of
Minister

- (a) review the activities of the Council;
- (b) request the Council to undertake activities that, in the opinion of the Minister, are necessary and advisable to carry out the intent of this Act;
- (c) advise the Council with respect to the implementation of this Act and the regulations and with respect to the methods used or proposed to be used by the Council to implement policies and to enforce its regulations and procedures.

7.—(1) Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations,

Regulations

1. fixing the number of members to be elected to the Council under clause 3 (2) (a) and defining constituencies, and prescribing the number of representatives of each constituency;
2. respecting and governing the qualifications, nomination, election and term or terms of office of the members to be elected to the Council, and contested elections;
3. prescribing the conditions disqualifying elected members from sitting on the Council and governing the filling of vacancies on the Council;
4. providing for the election of a president, vice-presidents and a treasurer from among the elected members of the Council;
5. respecting the composition of the committees required by this Act, other than the Complaints Committee and the Discipline Committee, the mechanism of the appointment of members of the committees and procedures ancillary to those specified in this Act in respect of any committee;
6. respecting matters of practice and procedure before committees required under this Act not inconsistent with this Act and the *Statutory Powers Procedure Act*;

R.S.O. 1980,
c. 484

7. prescribing the quorums of the committees required by this Act, except the Complaints Committee and the Discipline Committee;
8. prescribing classes of persons whose interests are related to those of the Association and the privileges of persons in the classes in relation to the Association;
9. respecting any matter ancillary to the provisions of this Act with regard to the issuing, suspension and revocation of licences, certificates of practice and temporary licences, and the requirements and qualifications therefor, including but not limited to regulations respecting,
 - i. the scope, standards and conduct of any examination or courses of study set or approved by the Council as a licensing requirement,
 - ii. the curricula and standards of professional training programs and courses of study offered by the Council,
 - iii. the academic, experience and other requirements for admission into professional training programs and courses of study, and
 - iv. the academic and experience requirements for the issuance of a licence;
10. prescribing terms and conditions of licences, certificates of practice and temporary licences;
11. prescribing forms of applications for licences, certificates of practice and temporary licences and requiring their use;
12. for the purposes of section 21, prescribing a proportion greater than 10 per cent of the shares of corporations that engage in the practice of architecture;
13. requiring the making of returns of information in respect of the holdings of shares and the officers and directors of corporations that apply for or hold certificates of practice and in respect of the interests of partners that apply for or hold certificates of

- practice, and prescribing and requiring the use of forms of such returns;
14. requiring and governing the signing and sealing of documents and designs by members of the Association and holders of temporary licences, specifying the forms of seals and respecting the issuance and ownership of seals;
 15. requiring the making of returns of information by members of the Association and holders of certificates of practice and temporary licences in respect of names, addresses, telephone numbers, associates, partners, employees and professional liability insurance, and prescribing and requiring the use of forms of such returns;
 16. governing the use of names and designations in the practice of architecture by members of the Association and holders of certificates of practice and temporary licences;
 17. providing for the maintenance and inspection of registers of persons permitted to engage in the practice of architecture;
 18. prescribing and governing standards of practice and performance standards for the profession;
 19. respecting the advertising of the practice of architecture;
 20. prescribing a code of ethics;
 21. defining professional misconduct for the purposes of this Act;
 22. defining classes of specialists among members and holders of certificates of practice and temporary licences, prescribing the qualifications required, providing for the suspension or revocation of any such designation and for the regulation and prohibition of the use of terms, titles or designations indicating specialization by a member or a holder of a certificate of practice or a temporary licence in the practice of architecture;
 23. providing for inspection programs related to the practice of architecture, including programs for the inspection of records, other than financial records,

- of members of the Association, holders of certificates of practice and holders of temporary licences, but such a program does not authorize inspection of records of a holder of a certificate of practice or temporary licence who is also a holder of a general certificate of authorization unless the inspection of the records, other than financial records, is recommended by the Joint Practice Board;
24. providing for the compilation of statistical data on the supply, distribution and professional activities of members of the Association and holders of temporary licences and professional activities related to the practice of architecture of holders of certificates of practice and on remuneration for the practice of architecture and requiring members of the Association and holders of certificates of practice and temporary licences to provide the information necessary to compile such statistics, but persons engaged in the administration of this Act shall maintain secret the names of persons providing the information as a matter that comes to their knowledge in the course of their duties under this Act;
 25. requiring members, holders of certificates of practice or holders of temporary licences, or all of them, to obtain and to maintain insurance against liability that may be incurred in the practice of architecture, respecting the terms and conditions and prescribing the minimum amounts of such insurance, requiring such members and holders to provide to the Registrar proof of the insurance coverage, and respecting the form of the proof and the times when the proof shall be provided;
 26. exempting any class of members, holders of certificates of practice or holders of temporary licences from the requirement to be insured in respect of professional liability, and classifying members, holders of certificates of practice or holders of temporary licences for the purpose of such exemption;
 27. prohibiting or regulating the practice of architecture where there is a conflict of interest and defining the activities that constitute a conflict of interest for the purpose;
 28. providing for a program of continuing education of members of the Association;

29. respecting the duties and authority of the Registrar;
30. prescribing qualifications and requirements that shall be complied with to obtain the reinstatement of a licence, certificate of practice or temporary licence that was cancelled by the Registrar;
31. classifying and exempting any class of holders of licences, certificates of practice or temporary licences from any provision of the regulations under such special circumstances in the public interest as the Council considers advisable;
32. specifying acts within the practice of architecture that are exempt from the application of this Act when performed or provided by a member of a prescribed class of persons, and prescribing classes of persons for the purpose of the exemption.

(2) A copy of each regulation made under subsection (1),

Distribution
of
regulations

- (a) shall be forwarded to each member of the Association and to each holder of a certificate of practice or temporary licence; and
- (b) shall be available for public inspection in the office of the Association.

8.—(1) The Council may pass by-laws relating to the administrative and domestic affairs of the Association not inconsistent with this Act and the regulations and, without limiting the generality of the foregoing,

By-laws

1. prescribing the seal of the Association;
2. providing for the execution of documents by the Association;
3. respecting banking and finance;
4. fixing the financial year of the Association and providing for the audit of the accounts and transactions of the Association;
5. respecting the calling, holding and conducting of meetings of the Council and the duties of members of Council;

6. respecting the form and content of proxies, the deposit of proxies with the Association and the manner and proof of revocation of proxies;
7. providing for meetings of the Council and committees, except in a proceeding in respect of a licence, certificate of practice or temporary licence, by means of conference telephone or other communications equipment by means of which all persons participating in the meeting can hear each other, and a member of the Council or committee participating in a meeting in accordance with such by-law shall be deemed to be present in person at the meeting;
8. providing that the Council or a committee may act upon a resolution consented to by the signatures of all members of the Council or the committee except in a proceeding in respect of a licence, certificate of practice or temporary licence, and a resolution so consented to in accordance with such a by-law is as valid and effective as if passed at a meeting of the Council or the committee duly called, constituted and held for that purpose;
9. respecting the calling, holding and conducting of meetings of the membership of the Association;
10. prescribing the remuneration of the members of the Council and committees, other than persons appointed by the Lieutenant Governor in Council, and providing for the payment of necessary expenses of the Council and committees in the conduct of their business;
11. prescribing the duties of officers of the Association;
12. providing for the appointment of inspectors for the purposes of this Act;
13. prescribing forms and providing for their use;
14. providing procedures for the making, amending and revoking of the by-laws;
15. respecting management of the property of the Association;
16. providing for the appointment, composition, powers and duties of additional or special committees;

17. respecting the application of the funds of the Association and the investment and reinvestment of any of its funds not immediately required, and for the safekeeping of its securities;
18. respecting the borrowing of money by the Association and the giving of security therefor;
19. respecting membership of the Association in other organizations, the payment of annual assessments and provision for representatives at meetings;
20. providing for the establishment and dissolution and governing the operation of groups of members as societies of the Association and respecting grants by the Association to societies or any of them;
21. authorizing the making of grants for any purpose that may tend to advance knowledge of architectural education, or maintain or improve the standards of practice in architecture or support and encourage public information and interest in the role of architecture in society;
22. respecting scholarships, bursaries and prizes related to the study of architecture;
23. prescribing the amounts of and requiring the payment of annual fees by members of the Association and holders of certificates of practice and temporary licences and by students and members of related classes recognized by the Association, and fees for licensing, temporary licences, certification, registration, examinations, courses of study, professional training programs and continuing education, including penalties for late payment, and fees for anything the Registrar is required or authorized to do, and prescribing the amounts thereof;
24. requiring the payment and remittance of premiums in connection with insurance against professional liability arranged by the Association for members of the Association, holders of certificates of practice and holders of temporary licences, and prescribing levies that shall be paid by members of the Association, holders of certificates of practice and holders of temporary licences in respect of professional liability;

25. providing for the establishment of group insurance plans, other than for professional liability, in which members of the Association may participate on a voluntary basis;
26. regarding such other matters as are entailed in carrying on the business of the Association and are not included in section 7.

Confirmation
of by-laws

(2) A by-law is effective when it is passed by the Council but expires with the close of the next annual meeting of members of the Association held after its passing, unless it is confirmed by the meeting.

Distribution
of by-laws

(3) A copy of the by-laws made under subsection (1) and amendments thereto,

- (a) shall be forwarded to the Minister;
- (b) shall be forwarded to each member; and
- (c) shall be available for public inspection in the office of the Association.

Committees

9.—(1) The Council shall establish and appoint the following committees:

- (a) Executive Committee;
- (b) Academic Requirements Committee;
- (c) Experience Requirements Committee;
- (d) Registration Committee;
- (e) Complaints Committee;
- (f) Discipline Committee;
- (g) Fees Mediation Committee,

and may establish such other committees as the Council from time to time considers necessary.

Vacancies

(2) Where one or more vacancies occur in the membership of a committee, the members remaining in office constitute the committee so long as their number is not fewer than a quorum of the committee.

Executive Committee

10.—(1) The Council may delegate to the Executive Committee the authority to exercise any power or perform any duty of the Council, other than to make, amend or revoke a regulation or a by-law.

Urgent matters

(2) Subject to ratification by the Council at its next ensuing meeting, the Executive Committee may take action upon any other matter that requires immediate attention between meetings of the Council, other than to make, amend or revoke a regulation or a by-law.

Who may engage in practice of architecture

11.—(1) No person shall engage in the practice of architecture or hold himself out as engaging in the practice of architecture unless,

- (a) the person is licensed under this Act;
- (b) the person is the holder of a certificate of practice or the person is doing so as a member of a partnership that holds a certificate of practice; or
- (c) the person is the holder of a temporary licence under this Act.

Who may provide service to public

(2) No person shall provide to a member of the public a service that is part of the practice of architecture except under and in accordance with a certificate of practice or a temporary licence.

Exception

(3) Subsections (1) and (2) do not apply to,

- (a) the preparation or provision of a design for the construction, enlargement or alteration of a building,
 - (i) that is not more than three storeys and not more than 600 square metres in gross area as constructed, enlarged or altered, and
 - (ii) that is used or intended for one or more of residential occupancy, business occupancy, personal services occupancy, mercantile occupancy or industrial occupancy;
- (b) the preparation or provision of a design for the construction, enlargement or alteration of a building that is not more than three storeys and that is used or intended for residential occupancy and,

- (i) that contains one dwelling unit or two attached dwelling units each of which is constructed directly on grade, or
- (ii) that is not more than 600 square metres in building area as constructed, enlarged or altered and contains three or more attached dwelling units, each of which is constructed directly on grade, with no dwelling unit constructed above another dwelling unit;
- (c) the preparation or provision of a design for the construction, enlargement or alteration of a building used directly in the extraction, processing or storage of ore from a mine;
- (d) the preparation or provision, under the personal supervision and direction of a member of the Association or the holder of a temporary licence, of a design for the construction, enlargement or alteration of a building;
- (e) the preparation or provision of a design for interior space for a building, including finishes, fixed or loose furnishings, equipment, fixtures and partitioning of space, and related exterior elements such as signs, finishes and glazed openings used for display purposes, that does not affect or is not likely to affect,
 - (i) the structural integrity,
 - (ii) a fire safety system or fire separation,
 - (iii) a main entrance or public corridor on a floor,
 - (iv) an exit to a public thoroughfare or to the exterior,
 - (v) the construction or location of an exterior wall, or
 - (vi) the usable floor space through the addition of a mezzanine, infill or other similar element,of the building;
- (f) the preparation or provision of a design for alterations within a dwelling unit that will not affect or are not likely to affect fire separations, firewalls,

the strength or safety of the building or the safety of persons in the building;

- (g) the doing of an act that is within the practice of architecture but that is exempt from the application of this Act when performed or provided by a member of a class of persons prescribed by the regulations for the purpose of the exemption, if the act is done by a person who is a member of the class.

(4) The following rules govern the relationship between architects and professional engineers, and subsections (1) and (2) do not apply to prevent a professional engineer from preparing or providing a design for and carrying out the general review of the construction, enlargement or alteration of a building in accordance with these rules: Idem

1. Only an architect may prepare or provide a design for the construction, enlargement or alteration of a building,
 - i. used or intended for residential occupancy,
 - ii. that exceeds 600 square metres in gross area, and
 - iii. that does not exceed three storeys,

and carry out the general review of the construction, enlargement or alteration of the building but an architect who prepares or provides such a design may engage a professional engineer to provide services within the practice of professional engineering in connection with the design and the professional engineer may provide the services.

2. An architect or a professional engineer may prepare or provide a design for the construction, enlargement or alteration of a building,
 - i. that exceeds 600 square metres in gross area or three storeys, and
 - ii. that is used or intended for,
 - A. industrial occupancy, or
 - B. mixed occupancy consisting of industrial occupancy and one or more other occupancies, where none of the other occu-

pancies exceeds 600 square metres of the gross area,

but only a professional engineer may provide services within the practice of professional engineering in connection with the design.

3. Subject to rules 4 and 5, an architect shall provide services that are within the practice of architecture and a professional engineer shall provide services that are within the practice of professional engineering related to the construction, enlargement or alteration of a building used or intended for,
 - i. assembly occupancy,
 - ii. institutional occupancy,
 - iii. business occupancy or personal services occupancy that exceeds 600 square metres in gross area or three storeys,
 - iv. mercantile occupancy that exceeds 600 square metres in gross area or three storeys,
 - v. residential occupancy that exceeds three storeys,
 - vi. mixed occupancy consisting of industrial occupancy and one or more other occupancies, where one of the other occupancies exceeds 600 square metres in gross area,
 - vii. mixed occupancy consisting of a combination of,
 - A. assembly occupancy and any other occupancy, except industrial occupancy,
 - B. institutional occupancy and any other occupancy, except industrial occupancy,
 - C. one or more of,
 1. business occupancy,
 2. personal services occupancy, or
 3. mercantile occupancy,

and any other occupancy, except assembly occupancy, institutional occupancy or industrial occupancy,

where the building as constructed, enlarged or altered exceeds 600 square metres in gross area or three storeys,

D. residential occupancy that exceeds three storeys and any other occupancy, where the building as constructed, enlarged or altered exceeds 600 square metres in gross area, or

viii. any other occupancy where the building as constructed, enlarged or altered exceeds 600 square metres in gross area or three storeys,

but a professional engineer may provide a design for the industrial occupancy of a mixed occupancy described in subparagraph vi.

4. An architect may perform or provide services that are within the practice of professional engineering in preparing or providing a design for and carrying out the general review of the construction, enlargement or alteration of a building described in rule 2 or 3 where to do so does not constitute a substantial part of the services within the practice of professional engineering related to the construction, enlargement or alteration of the building and is necessary,

i. for the construction, enlargement or alteration of the building and is incidental to other services provided as part of the practice of architecture by the architect in respect of the construction, enlargement or alteration of the building, or

ii. for co-ordination purposes.

5. A professional engineer may perform or provide services that are within the practice of architecture in preparing or providing a design for and carrying out the general review of the construction, enlargement or alteration of a building described in rule 1 or 3 where to do so does not constitute a substantial part of the services within the practice of architec-

ture related to the construction, enlargement or alteration of the building and is necessary,

- i. for the construction, enlargement or alteration of the building and is incidental to other services provided as part of the practice of professional engineering by the professional engineer in respect of the construction, enlargement or alteration of the building, or
 - ii. for co-ordination purposes.
6. Only an architect may carry out or provide the general review of the construction, enlargement or alteration of a building,
 - i. that is constructed, enlarged or altered in accordance with a design prepared or provided by an architect, or
 - ii. in relation to services that are provided by an architect in connection with the design in accordance with which the building is constructed, enlarged or altered.
 7. Only a professional engineer may carry out or provide the general review of the construction, enlargement or alteration of a building,
 - i. that is constructed, enlarged or altered in accordance with a design prepared or provided by a professional engineer, or
 - ii. in relation to services that are provided by a professional engineer in connection with the design in accordance with which the building is constructed, enlarged or altered.
 8. An architect or a professional engineer may act as prime consultant for the construction, enlargement or alteration of a building.
 9. A reference in these rules to the provision of a design or services by a professional engineer applies equally to a holder of a certificate of authorization issued under the *Professional Engineers Act, 1984*.

- (a) evaluating, advising on or reporting on the construction, enlargement or alteration of a building that does not or is not intended to take the place of evaluating, advising or reporting required to be done by an architect; or
- (b) carrying out a general review of the construction, enlargement or alteration of a building that does not or is not intended to take the place of a general review required to be done by an architect.

(6) In this section,

Interpretation

- (a) "assembly occupancy" means occupancy for gatherings of persons for civic, educational, political, recreational, religious, social, travel or other similar purpose, or for the consumption of food or drink;
- (b) "building area" means the greatest horizontal area of a building within the outside surface of exterior walls or, where a firewall is to be constructed, within the outside surface of exterior walls and the centre line of firewalls;
- (c) "business occupancy" means occupancy for the transaction of business;
- (d) "dwelling unit" means a room or suite of rooms used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;
- (e) "fire separation" means a construction assembly that acts as a barrier against the spread of fire and that may or may not have a fire-resistance rating or a fire-protection rating;
- (f) "firewall" means a type of fire separation of non-combustible construction that subdivides a building or separates adjoining buildings to resist the spread of fire and that has a fire-resistance rating prescribed in Ontario Regulation 583/83 (known as the Building Code), as amended from time to time, and has structural stability to remain intact under fire conditions for the fire-resistance time for which it is rated;
- (g) "grade" means the lowest of the average levels of finished ground adjoining each exterior wall of a

building, but does not include localized depressions such as for vehicle or pedestrian entrances;

- (h) "gross area" means the total area of all floors above grade measured between the outside surfaces of exterior walls or, where no access or building service penetrates a firewall, between the outside surfaces of exterior walls and the centre line of firewalls but in a residential occupancy where access or a building service penetrates a firewall, the measurement may be taken to the centre line of the firewall;
- (i) "industrial occupancy" means occupancy for assembling, fabricating, manufacturing, processing, repairing or storing of goods or materials or for producing, converting, processing or storing of energy, waste or natural resources;
- (j) "institutional occupancy" means occupancy for the harbouring, housing or detention of persons who require special care or treatment on account of their age or mental or physical limitations or who are involuntarily detained;
- (k) "mercantile occupancy" means occupancy or use for displaying or selling retail goods, wares or merchandise;
- (l) "personal services occupancy" means occupancy for the rendering or receiving of professional or personal services;
- (m) "residential occupancy" means occupancy for providing sleeping accommodation for persons, but does not include institutional occupancy.

Proof of practice

- (7) For the purposes of this section, proof of the performance of one act in the practice of architecture on one occasion is sufficient to establish engaging in the practice of architecture.

Corporation

- 12.** A corporation that holds a subsisting certificate of practice may engage in the practice of architecture.

Issuance of licence

- 13.—(1)** The Registrar shall issue a licence to a natural person who applies therefor in accordance with the regulations and,

- (a) is of good character;

- (b) is not less than eighteen years of age;
- (c) is a citizen of Canada or has the status of a permanent resident of Canada or is a member of an organization of architects that is recognized by the Council and that has objects, standards of practice and requirements for membership similar to those of the Association;
- (d) has complied with the academic and experience requirements specified in the regulations for the issuance of the licence or is exempted therefrom by the Council; and
- (e) has passed such examinations and completed such courses of study as the Council may set or approve in accordance with the regulations or is exempted therefrom by the Council.

(2) The Registrar may refuse to issue a licence to an applicant where the Registrar is of the opinion, upon reasonable and probable grounds, that the past conduct of the applicant affords grounds for belief that the applicant will not engage in the practice of architecture in accordance with the law and with honesty and integrity.

Grounds for refusal to issue licence

(3) The Registrar, on his own initiative, may refer and on the request of an applicant shall refer the application of the applicant for the issuance of a licence,

Referral to committee

- (a) to the Academic Requirements Committee for a determination as to whether or not the applicant has met the academic requirements prescribed by the regulations for the issuance of the licence;
- (b) to the Experience Requirements Committee for a determination as to whether or not the applicant has met the experience requirements prescribed by the regulations for the issuance of the licence; or
- (c) first to the Academic Requirements Committee and then to the Experience Requirements Committee for determinations under clauses (a) and (b).

(4) A determination by a committee under subsection (3) is final and is binding on the Registrar and on the applicant.

Determination by committee

(5) A committee shall receive written representations from an applicant but is not required to hold or to afford to any

Hearing

person a hearing or an opportunity to make oral submissions before making a determination under subsection (3).

Notice
of
determination

(6) The Registrar shall give notice to the applicant of a determination by a committee under subsection (3) and, if the applicant is rejected, the notice shall detail the specific requirements that the applicant must meet.

Issuance of
certificate of
practice to
corporation

14.—(1) The Registrar shall issue a certificate of practice to a corporation that applies therefor in accordance with the regulations if,

(a) a majority of the directors of the corporation is composed of,

(i) members of the Ontario Association of Architects, or

(ii) members of the Ontario Association of Architects and members of the Association of Professional Engineers of Ontario;

(b) a majority of each class of shares of the corporation is owned by and registered in the names of,

(i) members of the Ontario Association of Architects, or

(ii) members of the Ontario Association of Architects and members of the Association of Professional Engineers of Ontario,

and any other persons who own or in whose names shares of any class of shares of the corporation are registered are employees of the corporation who devote their full time to the work of the corporation;

(c) the primary function of the corporation is to engage in the practice of architecture; and

(d) at least one of the directors or full-time employees of the corporation is a member of the Association who will personally supervise and direct the practice of architecture by the corporation.

(2) The Registrar shall issue a certificate of practice to a corporation that applies therefor in accordance with the regulations if,

Idem

- (a) the corporation holds a general certificate of authorization issued under the *Professional Engineers Act, 1984*; 1984, c. 13
- (b) a majority of the directors of the corporation is composed of,
- (i) members of the Association of Professional Engineers of Ontario, or
 - (ii) members of the Ontario Association of Architects and members of the Association of Professional Engineers of Ontario;
- (c) a majority of each class of shares of the corporation is owned by and registered in the names of,
- (i) members of the Association of Professional Engineers of Ontario, or
 - (ii) members of the Association of Professional Engineers of Ontario and members of the Ontario Association of Architects,

and any other persons who own or in whose names shares of any class of shares of the corporation are registered are employees of the corporation who devote their full time to the work of the corporation; and

- (d) at least one of the directors or full-time employees of the corporation is a member of the Association who will personally supervise and direct the practice of architecture by the corporation.

(3) The Registrar may refuse to issue a certificate of practice to a corporation or may suspend or revoke a certificate of practice issued to a corporation where the Registrar is of the opinion, upon reasonable and probable grounds,

Grounds for refusal to issue or for revocation of certificate of practice

- (a) that the corporation fails to comply with section 21; or
- (b) that the corporation fails to comply with the requirements for the issuance of the certificate of practice set out in subsection (1) or (2).

15.—(1) The Registrar shall issue a certificate of practice to a partnership of members of the Association that applies therefor in accordance with the regulations and that proposes

Issuance of certificate of practice to partnership

to engage in or hold itself out as engaging in the practice of architecture.

Idem

(2) The Registrar shall issue a certificate of practice to a partnership of members of the Association of Professional Engineers of Ontario that applies therefor in accordance with the regulations and that,

- (a) holds a general certificate of authorization; and
- (b) employs at least one member of the Association who will personally supervise and direct the practice of architecture by the partnership.

Idem

(3) The Registrar shall issue a certificate of practice to a partnership of one or more members of the Ontario Association of Architects and one or more members of the Association of Professional Engineers of Ontario that holds a general certificate of authorization and that applies therefor in accordance with the regulations and that proposes to engage in or hold itself out as engaging in the practice of architecture.

Issuance of
certificate of
practice to
partnership
of
corporations

16. The Registrar shall issue a certificate of practice to a partnership of corporations if one or more of the corporations holds a certificate of practice and each of the others, if any, holds a general certificate of authorization and meets the requirements of clauses 14 (2) (b) and (c).

Issuance of
certificate of
practice to
member of
Association

17.—(1) The Registrar shall issue a certificate of practice to a member of the Association who applies therefor in accordance with the regulations.

Refusal
or
revocation

(2) The Registrar may refuse to issue a certificate of practice to a member of the Association or may suspend or revoke a certificate of practice held by a member of the Association where the Registrar is of the opinion, upon reasonable and probable grounds, that the member has not engaged in the practice of architecture during the period of five years preceding the date of the refusal or revocation.

Issuance of
certificate of
practice to
member of A.P.E.O.

18. The Registrar shall issue a certificate of practice to a member of the Association of Professional Engineers of Ontario who applies therefor in accordance with the regulations and who,

- (a) holds a general certificate of authorization; and
- (b) employs at least one member of the Association who will personally supervise and direct the practice

of architecture by the holder of the certificate of practice.

19. The Registrar shall issue a licence or a certificate of practice upon a direction of the Council made in accordance with a recommendation by the Joint Practice Board.

Issuance of
licence or
certificate
of practice
on direction
of Council

Refusal or
revocation
of certificate
of practice
related to
past conduct

20.—(1) The Registrar may refuse to issue a certificate of practice to a corporation, a partnership, a partnership of corporations or a natural person, or may suspend or revoke a certificate of practice, where the Registrar is of the opinion, upon reasonable and probable grounds, that the past conduct,

- (a) in the case of a corporation, of an officer, director or employee of the corporation;
- (b) in the case of a partnership, of a member or employee of the partnership;
- (c) in the case of a partnership of corporations, of a member or employee of the partnership or of an officer, director or employee of a member of the partnership; or
- (d) in the case of a natural person, of the natural person,

affords grounds for belief that the corporation, partnership, partnership of corporations or natural person, as the case may be, will not engage in the practice of architecture in accordance with the law and with honesty and integrity.

(2) A holder of a certificate of practice ceases to be entitled to offer to the public or to provide to the public services that are within the practice of architecture as soon as there is no member of the Association who personally supervises and directs the practice of architecture by the holder of the certificate of practice.

Suspension
of effect of
certificate
of practice

(3) The holder of a certificate of practice must give notice to the Registrar when there ceases to be a member of the Association who personally supervises and directs the practice of architecture by the holder of the certificate of practice and when the holder of the certificate of practice designates another member of the Association to personally supervise and direct such practice of architecture.

Notice to
Registrar by
holder of
certificate
of practice

(4) A member of the Association who ceases to personally supervise and direct the practice of architecture by a holder of

Notice to
Registrar by
person in
position of
professional
responsibility

a certificate of practice as the person so designated by the holder of the certificate of practice shall give notice of the cessation forthwith to the Registrar.

Past conduct

(5) The Registrar may suspend or revoke a certificate of practice where the Registrar is of the opinion, upon reasonable and probable grounds,

- (a) that the holder of the certificate of practice does not meet the requirements or the qualifications for the issuance of the certificate of practice set out in the regulations; or
- (b) that there has been a breach of a condition of the certificate of practice.

Requirement
re
corporations

21.—(1) No corporation shall engage in the practice of architecture if a person who is not a member of the Association or of the Association of Professional Engineers of Ontario,

- (a) beneficially owns, directly or indirectly;
- (b) exercises control or direction over; or
- (c) beneficially owns, directly or indirectly, shares of any class of shares of the corporation and, together with another shareholder or other shareholders associated with the person, exercises control or direction over,

more than 10 per cent or such greater proportion as may be prescribed by regulation of the total number of issued and outstanding shares of any class of shares of the corporation.

Interpretation

(2) For the purposes of this section,

- (a) where a share is owned jointly and one of the joint owners is a person who is not a member of the Association or of the Association of Professional Engineers of Ontario, the share shall be deemed to be owned by the person;
- (b) each share that carries the right to more than one vote shall be calculated as the number of shares equal to the total number of votes carried by the share;
- (c) a shareholder shall be deemed to be associated with another shareholder where,

- (i) one shareholder is a corporation of which the other shareholder is an officer or director,
 - (ii) one shareholder is a partnership of which the other shareholder is a partner,
 - (iii) one shareholder is a corporation that is controlled, directly or indirectly, by the other shareholder,
 - (iv) both shareholders are corporations and one shareholder is controlled, directly or indirectly, by the same individual or corporation that controls, directly or indirectly, the other shareholder,
 - (v) both shareholders are members of a voting trust, where the trust relates to shares of a corporation, or
 - (vi) both shareholders are associated within the meaning of subclauses (i) to (v) with the same shareholder;
- (d) a corporation shall be deemed to be controlled by another person or corporation or by two or more corporations where,
- (i) shares of the first-mentioned corporation carrying, either under all circumstances or under circumstances that have occurred and are continuing, 50 per cent of the votes for the election of directors, otherwise than by way of security only, by or for the benefit of the other person or corporation or by or for the benefit of the other corporations, and
 - (ii) the votes carried by the shares are sufficient, if exercised, to elect a majority of the directors of the first-mentioned corporation.

22.—(1) It is a condition of every certificate of practice held by a corporation, a partnership or a partnership of corporations that the holder of the certificate of practice shall provide services that are within the practice of architecture only under the personal supervision and direction of a member of the Association who is,

Supervision
by
architect

- (a) in the case of a corporation, an officer, director or full-time employee of the corporation;

- (b) in the case of a partnership, a member or full-time employee of the partnership; or
- (c) in the case of a partnership of corporations, an officer, director or full-time employee of a member of the partnership or a full-time employee of the partnership.

Professional responsibility of supervising architect

(2) A member of the Association who personally supervises and directs the practice of architecture by a holder of a certificate of practice is subject to the same standards of professional conduct and competence in respect of such practice of architecture as if the member personally engaged in the practice of architecture.

Limited certificate of practice

- 23.**—(1) The Registrar shall issue a certificate of practice,
- (a) to a corporation incorporated under the laws of a jurisdiction other than Ontario;
 - (b) to a partnership of corporations incorporated under the laws of a jurisdiction other than Ontario; or
 - (c) to a partnership formed under the laws of a jurisdiction other than Ontario,

if the corporation, partnership of corporations or partnership is licensed or authorized to practise architecture by the jurisdiction other than Ontario, applies in accordance with the regulations and meets the requirements and qualifications set out in the regulations for the issuance of the certificate of practice.

Conditions

(2) Every certificate of practice issued under subsection (1) is subject to the conditions prescribed by the regulations.

Limitation

(3) A certificate of practice issued under subsection (1) is not valid except in respect of the architectural project described in the certificate of practice.

Application of ss. 21, 22

(4) Sections 21 and 22 do not apply to a corporation, partnership of corporations or partnership that is issued a certificate of practice under subsection (1).

Temporary licence

24.—(1) The Registrar shall issue a temporary licence to a natural person who applies therefor in accordance with the regulations and who meets the requirements and qualifications for the issuance of the temporary licence set out in the regulations, whether or not the applicant is a Canadian citizen or has the status of a permanent resident of Canada.

(2) The Registrar may refuse to issue or may suspend or revoke a temporary licence where the Registrar is of the opinion, upon reasonable and probable grounds,

Grounds for refusal,
suspension
or
revocation

- (a) that the past conduct of the applicant for or the holder of the temporary licence affords grounds for the belief that the applicant or holder will not engage in the practice of architecture in accordance with the law and with honesty and integrity;
- (b) that the holder of the temporary licence does not meet the requirements or the qualifications for the issuance of the temporary licence set out in the regulations; or
- (c) that there has been a breach of a condition of the temporary licence.

(3) Subsections 13 (3) to (6) (which relate to the Academic Requirements Committee and the Experience Requirements Committee) apply with necessary modifications in respect of an applicant for a temporary licence.

Referral to committees

(4) Every temporary licence is subject to the conditions prescribed by the regulations.

Conditions

(5) A temporary licence is not valid except in respect of the architectural project described in the temporary licence.

Extent of temporary licence

(6) Subsection (1) does not apply in respect of a member or a holder of a certificate of practice.

Application of subs. (1)

(7) A temporary licensee is not a member of the Association.

Membership

25.—(1) Where the Registrar proposes,

- (a) to refuse an application for a licence, a certificate of practice or a temporary licence;
- (b) to suspend or revoke a certificate of practice or a temporary licence; or
- (c) to issue a licence, a certificate of practice or a temporary licence subject to terms, conditions or limitations,

Proposal to refuse to issue, suspend, revoke or impose conditions

the Registrar shall serve notice of his proposal, together with written reasons therefor, on the applicant.

Exceptions

(2) Subsection (1) does not apply in respect of a proposal to refuse to issue a licence, a certificate of practice or a temporary licence where,

- (a) the Academic Requirements Committee has determined that the applicant has not met the academic requirements set out in the regulations for the issuance of the licence or the temporary licence;
- (b) the Experience Requirements Committee has determined that the applicant has not met the experience requirements set out in the regulations for the issuance of the licence or the temporary licence; or
- (c) the applicant previously held a licence, a certificate of practice or a temporary licence that was suspended or revoked as a result of a decision of the Discipline Committee.

Notice

(3) A notice under subsection (1) shall state that the applicant is entitled to a hearing by the Registration Committee if the applicant delivers, within thirty days after the notice under subsection (1) is served on the applicant, notice in writing requiring a hearing by the Registration Committee and the applicant may so require such a hearing.

Power of Registrar where no hearing

(4) Where the applicant does not require a hearing by the Registration Committee in accordance with subsection (3), the Registrar may carry out the proposal stated in the notice under subsection (1).

Hearing by Registration Committee

(5) Where an applicant requires a hearing by the Registration Committee in accordance with subsection (1), the Registration Committee shall appoint a time for, give notice of and shall hold the hearing.

Disability of member

(6) Where the Registration Committee commences a hearing and a member of the Registration Committee becomes unable to act, the remaining members may complete the hearing notwithstanding the absence of the member who is unable to act.

Continuation on expiry of committee membership

(7) Where a proceeding is commenced before the Registration Committee and the term of office on the Council or on the committee of a member sitting for the hearing expires or is terminated other than for cause before the proceeding is disposed of but after evidence is heard, the member shall be deemed to remain a member of the Registration Committee for the purpose of completing the disposition of the proceed-

ing in the same manner as if his term of office had not expired or been terminated.

(8) Following upon a hearing under this section in respect of a proposal by the Registrar, the Registration Committee may, by order,

Powers of
Registration
Committee

- (a) where the committee is of the opinion upon reasonable grounds that the applicant meets the requirements and qualifications of this Act and the regulations and will engage in the practice of architecture with competence and integrity, direct the Registrar to issue a licence, certificate of practice or temporary licence, as the case may be, to the applicant;
- (b) where the committee is of the opinion upon reasonable grounds that the applicant does not meet the requirements and qualifications of this Act and the regulations,
 - (i) direct the Registrar to refuse to issue a licence, certificate of practice or temporary licence, or to revoke the certificate of practice issued to the applicant, as the case may be, or
 - (ii) where the committee is of the opinion upon reasonable grounds that the applicant will engage in the practice of architecture with competence and integrity, exempt the applicant from any of the requirements of this Act and the regulations and direct the Registrar to issue a licence, certificate of practice or temporary licence, as the case may be; or
- (c) where the committee is of the opinion upon reasonable grounds that it is necessary in order to ensure that the applicant will engage in the practice of architecture with competence and integrity,
 - (i) require the applicant to take and successfully complete such examinations as the Registration Committee may set or approve and to pay such fees therefor as the Registration Committee fixes,
 - (ii) require the applicant to take such additional training as the Registration Committee specifies, or

Extension
of time for
requiring
hearing

(iii) direct the Registrar to issue a licence, certificate of practice or temporary licence, as the case may be, subject to such terms, conditions or limitations as the Registration Committee specifies.

Parties

(9) The Registration Committee may extend the time for the giving of notice requiring a hearing by an applicant under this section before or after the expiration of such time where it is satisfied that there are apparent grounds for granting relief to the applicant following upon a hearing and that there are reasonable grounds for applying for the extension, and the Registration Committee may give such directions as it considers proper consequent upon the extension.

Opportunity
to show
compliance

(10) The Registrar and the applicant who has required the hearing are parties to proceedings before the Registration Committee under this section.

Examination
of
documentary
evidence

(11) The applicant shall be given a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue of the licence, the certificate of practice or the temporary licence.

Members
holding
hearing
not to have
taken part
in investiga-
tion, etc.

(12) A party to proceedings under this section shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

(13) Members of the Registration Committee holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for both parties to participate, but the Registration Committee may seek legal advice from a person who is not counsel in the proceedings and, in such case, the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

Recording
of evidence

(14) The oral evidence taken before the Registration Committee at a hearing shall be recorded and, if so required, copies of a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Only
members
at hearing
to participate
in decision

(15) No member of the Registration Committee shall participate in a decision of the Registration Committee following

upon a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties.

(16) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to him by the Registration Committee within a reasonable time after the matter in issue has been finally determined.

(17) In this section, "applicant" means applicant for the issuance of a licence, or applicant for or holder of a certificate of practice or a temporary licence.

26. A corporation that holds a certificate of practice has the same rights and is subject to the same obligations in respect of fiduciary, confidential and ethical relationships with each client of the corporation that exist at law between a member of the Association and his client.

27.—(1) The Registrar shall maintain one or more registers in which is entered every person who is licensed under this Act and every holder of a certificate of practice or temporary licence, identifying the terms, conditions and limitations attached to the licence, certificate of practice or temporary licence, and shall note on the register every revocation, suspension and cancellation or termination of a licence, certificate of practice or temporary licence and such other information as the Registration Committee or Discipline Committee directs.

(2) Any person has the right, during normal business hours, to inspect the registers maintained by the Registrar.

(3) The Registrar shall provide to any person, upon payment of a reasonable charge therefor, a copy of any part of the registers maintained by the Registrar.

(4) Every certificate of membership and every temporary licence issued under the *Architects Act*, being chapter 26 of the Revised Statutes of Ontario, 1980, or a predecessor thereof, and in effect immediately before this Act comes into force continues in the same manner as if issued as a licence or a temporary licence, as the case requires, under this Act.

28.—(1) The Registrar may cancel a licence, certificate of practice or temporary licence for non-payment of any fee prescribed by the by-laws after giving the member or the holder of the certificate of practice or temporary licence at least two months notice of the default and intention to cancel, subject to the continuing jurisdiction of the Association in respect of

Release of
documentary
evidence

Applicant

Relationship
between
corporation
and client

Registers

Copies

Continuation
of certificates

Cancellation
for default
of fees

any disciplinary action arising out of his professional conduct while a member or holder.

**Reinstate-
ment**

(2) A person who was a member or a holder of a certificate of practice or temporary licence whose licence, certificate of practice or temporary licence was cancelled by the Registrar under subsection (1) is entitled to have the licence, certificate of practice or temporary licence reinstated upon compliance with the requirements and qualifications prescribed by the regulations.

**Complaints
Committee**

29.—(1) The Complaints Committee shall be composed of,

- (a) at least one member of the Council who was elected to the Council;
- (b) at least one member of the Council who was appointed to the Council by the Lieutenant Governor in Council; and
- (c) such other members of the Association as may be appointed by the Council.

Idem

(2) No person who is a member of the Discipline Committee shall be a member of the Complaints Committee.

Chairman

(3) The Council shall name one member of the Complaints Committee to be chairman.

Quorum

(4) Three members of the Complaints Committee, of whom one shall be a person elected to the Council, constitute a quorum.

**Duties
of
Complaints
Committee**

30.—(1) The Complaints Committee shall consider and investigate complaints made by members of the public or members of the Association regarding the conduct or actions of any member of the Association or holder of a certificate of practice or a temporary licence, but no action shall be taken by the Committee under subsection (2) unless,

- (a) a written complaint has been filed with the Registrar and the member or holder whose conduct or actions are being investigated has been notified of the complaint and given at least two weeks in which to submit in writing to the Committee any explanations or representations the member or holder may wish to make concerning the matter; and

- (b) the Committee has examined or has made every reasonable effort to examine all records and other documents relating to the complaint.

(2) The Committee in accordance with the information it ^{Idem} receives may,

- (a) direct that the matter be referred, in whole or in part, to the Discipline Committee;
- (b) direct that the matter not be referred under clause (a); or
- (c) take such action as it considers appropriate in the circumstances and that is not inconsistent with this Act or the regulations or by-laws.

(3) The Committee shall give its decision in writing to the Registrar for the purposes of subsection (4) and, where the decision is made under clause (2) (b), its reasons therefor. Decision and reasons

(4) The Registrar shall send to the complainant and to the person complained against by prepaid first class mail a copy of the written decision made by the Complaints Committee and its reasons therefor, if any, together with notice advising the complainant of his right to apply to the Complaints Review Councillor under section 32. Notice

(5) The Committee is not required to hold a hearing or to afford to any person an opportunity for a hearing or an opportunity to make oral submissions before making a decision or giving a direction under this section. Hearing

31.—(1) There shall be a Complaints Review Councillor who shall be appointed by and from among the members of the Council appointed by the Lieutenant Governor in Council. Complaints Review Councillor

(2) The Complaints Review Councillor is not eligible to be a member of the Complaints Committee or the Fees Mediation Committee. Idem

32.—(1) The Complaints Review Councillor may examine from time to time the procedures for the treatment of complaints by the Association. Examination by Complaints Review Councillor

(2) Where a complaint respecting a member of the Association or a holder of a certificate of practice or a temporary licence has not been disposed of by the Complaints Committee within ninety days after the complaint is filed with the Review by Complaints Review Councillor

Registrar, upon application by the complainant or on his own initiative the Complaints Review Councillor may review the treatment of the complaint by the Complaints Committee.

Application
to
Complaints
Review
Councillor

(3) A complainant who is not satisfied with the handling by the Complaints Committee of his complaint to the Committee may apply to the Complaints Review Councillor for a review of the treatment of the complaint after the Committee has disposed of the complaint.

Complaints
Review
Councillor
not to
inquire
into merit
of complaint

(4) In an examination or review in respect of the Association, the Complaints Review Councillor shall not inquire into the merits of any particular complaint made to the Association.

Discretionary
power of
Complaints
Review
Councillor

(5) The Complaints Review Councillor in his discretion may decide in a particular case not to make a review or not to continue a review in respect of the Association where,

(a) the review is or would be in respect of the treatment of a complaint that was disposed of by the Association more than twelve months before the matter came to the attention of the Complaints Review Councillor; or

(b) in the opinion of the Complaints Review Councillor,

(i) the application to the Complaints Review Councillor is frivolous or vexatious or is not made in good faith, or

(ii) the person who has made application to the Complaints Review Councillor has not a sufficient personal interest in the subject-matter of the particular complaint.

Notice

(6) Before commencing an examination or review in respect of the Association, the Complaints Review Councillor shall inform the Association of his intention to commence the examination or review.

Office
accommo-
dation

(7) The Council shall provide to the Complaints Review Councillor such accommodation and support staff in the offices of the Association as are necessary to the performance of the powers and duties of the Complaints Review Councillor.

(8) Every examination or review by the Complaints Review Councillor in respect of the Association shall be conducted in private.

Privacy

(9) In conducting an examination or review in respect of the Association, the Complaints Review Councillor may hear or obtain information from any person and may make such inquiries as he thinks fit.

Receipt
of
information

(10) The Complaints Review Councillor is not required to hold or to afford to any person an opportunity for a hearing in relation to an examination, review or report in respect of the Association.

Hearing
not
required

(11) Every person who is,

Duty to
furnish
information

- (a) a member of the Council;
- (b) an officer of the Association;
- (c) a member of a committee of the Association; or
- (d) an employee of the Association,

shall furnish to the Complaints Review Councillor such information regarding any proceedings or procedures of the Association in respect of the treatment of complaints made to the Association as the Complaints Review Councillor from time to time requires, and shall give the Complaints Review Councillor access to all records, reports, files and other papers and things belonging to or under the control of the Association or any of such persons and that relate to the treatment by the Association of complaints or any particular complaint.

(12) The Complaints Review Councillor shall make a report following upon each examination or review by him in respect of the Association.

Report by
Complaints
Review
Councillor

(13) Where the report follows upon an examination of the procedure for the treatment of complaints by the Association, the Complaints Review Councillor shall transmit the report to the Council.

Report
following
upon
examination

(14) Where the report follows upon a review as to the treatment of a complaint by the Association, the Complaints Review Councillor shall transmit the report to the Council, to the complainant and to the person complained against.

Report
following
upon
review

(15) The Complaints Review Councillor may transmit a report following upon an examination or review to the Minister

Report to
Minister

ter where, in the opinion of the Complaints Review Councillor, the report should be brought to the attention of the Minister.

Recommendations

(16) The Complaints Review Councillor may include in a report following upon an examination or review his recommendations in respect of the procedures of the Association, either generally or with respect to the treatment of a particular complaint.

Consideration by Council

(17) The Council shall consider each report, and any recommendations included in the report, transmitted to it by the Complaints Review Councillor and shall notify the Complaints Review Councillor of any action it has taken in consequence.

Discipline Committee

33.—(1) The Discipline Committee shall be composed of,

- (a) at least one person appointed to the Discipline Committee by the Council from among the members of the Council elected to the Council;
- (b) at least one person who is a member of the Council appointed by the Lieutenant Governor in Council; and
- (c) the persons appointed to the Discipline Committee by the Council from among the members of the Association who have not less than ten years experience in the practice of architecture.

Quorum and votes

(2) Three members of the Discipline Committee, of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council, constitute a quorum, and all disciplinary decisions require the vote of a majority of the members of the Discipline Committee present at the meeting.

Disability of member

(3) Where the Discipline Committee commences a hearing and a member of the Discipline Committee becomes unable to act, the remaining members may complete the hearing notwithstanding the absence of the member who is unable to act.

Chairman

(4) The Council shall name one member of the Discipline Committee who is a member of and elected to the Council to be chairman.

Reference by Council

(5) The Council, by resolution, may direct the Discipline Committee to hold a hearing and determine any allegation of professional misconduct or incompetence on the part of a member of the Association or a holder of a certificate of practice or a temporary licence specified in the resolution.

34.—(1) The Discipline Committee shall,

Duties of
Discipline
Committee

- (a) when so directed by the Council or the Complaints Committee, hear and determine allegations of professional misconduct or incompetence against a member of the Association or a holder of a certificate of practice or a temporary licence;
- (b) hear and determine matters referred to it under section 30, 33 or 42; and
- (c) perform such other duties as are assigned to it by the Council.

(2) A member of the Association or a holder of a certificate of practice or a temporary licence may be found guilty of professional misconduct by the Committee if,

Professional
misconduct

- (a) the member or holder has been found guilty of an offence relevant to his suitability to practise, upon proof of such conviction;
- (b) the member or holder has been guilty in the opinion of the Discipline Committee of professional misconduct as defined in the regulations.

(3) The Discipline Committee may find a member of the Association or a holder of a certificate of practice or a temporary licence to be incompetent if in its opinion,

Incompetence

- (a) the member or holder has displayed in his professional responsibilities a lack of knowledge, skill or judgment or disregard for the welfare of the public the member or holder serves of a nature or to an extent that demonstrates the member or holder is unfit to carry out the responsibilities of an architect; or
- (b) the member or holder is suffering from a physical or mental condition or disorder of a nature and extent making it desirable in the interests of the public or the member or holder that the member or holder no longer be permitted to engage in the practice of architecture or that his practice of architecture be restricted.

(4) Where the Discipline Committee finds a member of the Association or a holder of a certificate of practice or a temporary licence guilty of professional misconduct or incompetence it may, by order,

Powers of
Discipline
Committee

- (a) revoke the licence of the member or the certificate of practice or temporary licence of the holder;
- (b) suspend the licence of the member or the certificate of practice or temporary licence of the holder for a stated period, not exceeding twenty-four months;
- (c) accept the undertaking of the member or holder to limit the professional work of the member or holder in the practice of architecture to the extent specified in the undertaking;
- (d) impose terms, conditions or limitations on the licence, certificate of practice or temporary licence, of the member or holder, including but not limited, in the case of a member or a holder of a temporary licence, to the successful completion of a particular course or courses of study, as are specified by the Discipline Committee;
- (e) impose specific restrictions on the licence, certificate of practice or temporary licence, including but not limited to,
 - (i) requiring the member or the holder of the temporary licence to engage in the practice of architecture only under the personal supervision and direction of another member, or a member, as the case may be,
 - (ii) requiring the member to not alone engage in the practice of architecture,
 - (iii) requiring the member or the holder of the certificate of practice or temporary licence to accept periodic inspections by the Committee or its delegate of the books, accounts, records and designs of the member or the holder in connection with his practice,
 - (iv) requiring the member or the holder of the certificate of practice or temporary licence to report to the Registrar or to such committee of the Council as the Discipline Committee may specify on such matters in respect of the member's or holder's practice for such period of time, at such times and in such form, as the Discipline Committee may specify;

- (f) require that the member or the holder of the certificate of practice or temporary licence be reprimanded, admonished or counselled and, if considered warranted, direct that the fact of the reprimand, admonishment or counselling be recorded on the register;
- (g) revoke or suspend for a stated period of time the designation of the member or holder by the Association as a specialist in any branch of architecture;
- (h) impose such fine as the Discipline Committee considers appropriate, to a maximum of \$5,000, to be paid by the member or the holder of the certificate of practice or temporary licence to the Treasurer of Ontario for payment into the Consolidated Revenue Fund;
- (i) require the member or the holder of the certificate of practice or temporary licence to repay, waive or reduce the fee of the member or the holder in respect of the practice of architecture related to the finding of professional misconduct or incompetence;
- (j) subject to subsection (5) in respect of orders of revocation or suspension, direct that the finding and the order of the Discipline Committee be published in an official publication of the Association in detail or in summary and either with or without including the name of the member or holder;
- (k) fix and impose costs to be paid by the member or the holder to the Association;
- (l) direct that the imposition of a penalty be suspended or postponed for such period and upon such terms or for such purpose as may be specified by the Discipline Committee, including but not limited to,
 - (i) the successful completion by the member or the holder of the temporary licence of a particular course or courses of study,
 - (ii) the production to the Discipline Committee of evidence satisfactory to it that any physical or mental handicap in respect of which the penalty was imposed has been overcome,

or any combination of them.

Publication
of revocation
or suspension

(5) The Discipline Committee shall cause an order of the Committee revoking or suspending a licence, certificate of practice or temporary licence to be published, with or without the reasons therefor, in an official publication of the Association together with the name of the member or holder of the revoked or suspended licence, certificate of practice or temporary licence.

Publication
on request

(6) The Discipline Committee shall cause a determination by the Committee that an allegation of professional misconduct or incompetence was unfounded to be published in an official publication of the Association, upon the request of the member or the holder of a certificate of practice or temporary licence against whom the allegation was made.

Costs

(7) Where the Discipline Committee is of the opinion that the commencement of the proceedings was unwarranted, the Committee may order that the Association reimburse the member or the holder of the certificate of practice or temporary licence for his costs or such portion thereof as the Discipline Committee fixes and the Association shall comply with the order.

Stay on
appeal for
incompetence

(8) Where the Discipline Committee revokes, suspends or restricts a licence, certificate of practice or temporary licence on the ground of incompetence, the decision takes effect immediately notwithstanding that an appeal is taken from the decision unless the court to which the appeal is taken otherwise orders, and, where the court is satisfied that it is appropriate in the circumstances, the court may so order.

Stay on
appeal for
professional
misconduct

(9) Where the Discipline Committee revokes, suspends or restricts a licence, a certificate of practice or a temporary licence on a ground other than incompetence, the order does not take effect until the time for appeal from the order has expired without an appeal being taken or, if taken, the appeal has been disposed of or abandoned, unless the Discipline Committee otherwise orders, and, where the Committee considers that it is appropriate for the protection of the public, the Committee may so order.

Service of
decision of
Discipline
Committee

(10) Where the Discipline Committee finds a member or a holder of a certificate of practice or temporary licence guilty of professional misconduct or incompetence, a copy of the decision shall be served upon the person complaining in respect of the conduct or action of the member or holder.

Continuation
on expiry of
Committee
membership

(11) Where a proceeding is commenced before the Discipline Committee and the term of office on the Council or on the Committee of a member sitting for the hearing expires or

is terminated, other than for cause, before the proceeding is disposed of but after evidence has been heard, the member shall be deemed to remain a member of the Discipline Committee for the purpose of completing the disposition of the proceeding in the same manner as if his term of office had not expired or been terminated.

35.—(1) In proceedings before the Discipline Committee, the Association and the member of the Association or holder of a certificate of practice or temporary licence whose conduct is being investigated in the proceedings are parties to the proceedings.

Discipline
proceedings,
parties

(2) A member or holder of a certificate of practice or temporary licence whose conduct is being investigated in proceedings before the Discipline Committee shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Examination
of
documentary
evidence

(3) Members of the Discipline Committee holding a hearing shall not have taken part before the hearing in any investigation of the subject-matter of the hearing other than as a member of the Council considering the referral of the matter to the Discipline Committee or at a previous hearing of the Committee, and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Committee may seek legal advice from a person who is not counsel in the proceedings and, in such case, the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

Members
holding
hearing
not to have
taken part in
investigation,
etc.

(4) Notwithstanding anything in the *Statutory Powers Procedure Act*, hearings of the Discipline Committee shall be held *in camera*, but, if the party whose conduct is being investigated requests otherwise by a notice delivered to the Registrar before the day fixed for the hearing, the committee shall conduct the hearing in public except where,

In camera
R.S.O. 1980,
c. 484

- (a) matters involving public security may be disclosed;
or
- (b) the possible disclosure of intimate financial or personal matters outweighs the desirability of holding the hearing in public.

Recording
of
evidence

(5) The oral evidence taken before the Discipline Committee shall be recorded and, if so required, copies of a transcript thereof shall be furnished only to the parties at their own cost.

Evidence
R.S.O. 1980,
c. 484

(6) Notwithstanding the *Statutory Powers Procedure Act*, nothing is admissible in evidence before the Discipline Committee that would be inadmissible in a court in a civil case and the findings of the Discipline Committee shall be based exclusively on evidence admitted before it.

Only
members
at hearing to
participate
in decision

(7) No member of the Discipline Committee shall participate in a decision of the Committee following upon a hearing unless he was present throughout the hearing and heard the evidence and argument of the parties.

Release of
documentary
evidence

(8) Documents and things put in evidence at a hearing of the Discipline Committee shall, upon the request of the party who produced them, be returned by the Committee within a reasonable time after the matter in issue has been finally determined.

Appeal
to court

36.—(1) A party to proceedings before the Registration Committee or the Discipline Committee may appeal to the Divisional Court, in accordance with the rules of court, from the decision or order of the committee.

Certified
copy of
record

(2) Upon the request of a party desiring to appeal to the Divisional Court and upon payment of the fee therefor, the Registrar shall furnish the party with a certified copy of the record of the proceedings, including the documents received in evidence and the decision or order appealed from.

Powers of
court on
appeal

(3) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the committee appealed from and may exercise all powers of the committee and may direct the committee to take any action which the committee may take and as the court considers proper, and for such purposes the court may substitute its opinion for that of the committee or the court may refer the matter back to the committee for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Fees
Mediation
Committee

37.—(1) No person who is a member of the Complaints Committee or the Discipline Committee shall be a member of the Fees Mediation Committee.

Duties
of Fees
Mediation
Committee

(2) The Fees Mediation Committee,

- (a) shall, unless the Committee considers it inappropriate to do so, mediate any written complaint by a client of a member of the Association or of a holder of a certificate of practice or temporary licence in respect of a fee charged for architectural services provided to the client; and
- (b) shall perform such other duties as are assigned to it by the Council.

(3) The Fees Mediation Committee, with the written consent of all parties to the dispute, may arbitrate a dispute in respect of a fee between a client and a member of the Association or a holder of a certificate of practice or temporary licence and in that case the decision of the Fees Mediation Committee is final and binding on all parties to the dispute.

Arbitration
by Fees
Mediation
Committee

(4) Where the Fees Mediation Committee acts as arbitrator under subsection (3), the *Arbitrations Act* does not apply.

Application
of
R.S.O. 1980,
c. 25

(5) A decision by the Fees Mediation Committee under subsection (3), exclusive of the reasons therefor, certified by the Registrar, may be filed with the Supreme Court or a county or district court and when filed the decision may be enforced in the same manner as a judgment of the court.

Enforcement

38.—(1) Where the Registrar believes on reasonable and probable grounds that a member of the Association or a holder of a certificate of practice or temporary licence has committed an act of professional misconduct or incompetence, the Registrar by order may appoint one or more persons to investigate whether such act has occurred, and the person appointed shall report the result of his investigation to the Registrar.

Registrar's
investigation

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the practice of the member or holder of the certificate of practice or temporary licence in respect of whom the investigation is being made and may, upon production of his appointment, enter at any reasonable time the business premises of the member or holder and examine books, records, documents and things relevant to the subject-matter of the investigation and, for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to such inquiry as if it were an inquiry under that Act.

Powers of
investigator

R.S.O. 1980,
c. 411

Obstruction
of
investigator

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, records, documents or things relevant to the subject-matter of the investigation.

Order by
provincial
judge

(4) Where a provincial judge is satisfied on evidence upon oath,

- (a) that the Registrar had grounds for appointing and by order has appointed one or more persons to make an investigation; and
- (b) that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, records, documents or things relating to the member of the Association or holder of a certificate of practice or a temporary licence whose affairs are being investigated and to the subject-matter of the investigation,

the provincial judge may issue an order authorizing the person or persons making the investigation, together with such police officer or officers as they call upon to assist them, to enter and search, by force if necessary, such building, dwelling, receptacle or place for such books, records, documents or things and to examine them.

Execution
of order

(5) An order issued under subsection (4) shall be executed at reasonable times as specified in the order.

Expiry
of order

(6) An order issued under subsection (4) shall state the date on which it expires, which shall be a date not later than fifteen days after the order is issued.

Ex parte
application

(7) A provincial judge may receive and consider an application for an order under subsection (4) without notice to and in the absence of the member of the Association or holder of a certificate of practice or a temporary licence whose affairs are being investigated.

Removal of
books, etc.

(8) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, records, documents or things examined under subsection (2) or (4) relating to the member or holder whose practice is being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, records or documents, but such copying shall be carried out with reasonable dispatch and the books, records or documents in question shall be promptly thereafter returned to the member or holder whose practice is being investigated.

(9) Any copy made as provided in subsection (8) and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as proof in the absence of evidence to the contrary of the original book, record or document and its contents.

Admissibility
of copies

(10) The Registrar shall report the results of the investigation to the Council or such committee as he considers appropriate.

Report of
Registrar

39.—(1) In this section, “insurer” means a person offering insurance in respect of liability incurred in the practice of architecture.

Information
re insurance
claims,
interpretation

(2) Upon the request of the Registrar, an insurer shall furnish to the Registrar any information that is in the possession of the insurer and that is specified in the request related to a claim or claims for indemnity in respect of the practice of architecture.

Information

(3) Subsection (2) does not apply in respect of a document prepared by an insured person related to a claim for indemnity in respect of the practice of architecture by the insured person.

Exception

(4) The Registrar may forward any information referred to in subsection (2) to the Council or to such committee as he considers appropriate.

Transmittal
of
information

40.—(1) No member of the Association, holder of a certificate of practice or a temporary licence shall engage in the practice of architecture unless insured against professional liability in accordance with the regulations or in accordance with arrangements under subsection (2).

Professional
liability
insurance

(2) The Association may make arrangements respecting insurance against professional liability for members of the Association, holders of certificates of practice and holders of temporary licences.

Arrange-
ments by
Association

(3) Arrangements under subsection (2) may include arrangements respecting the payment and remission of premiums.

Premiums

(4) The Association may prescribe levies that shall be paid by members of the Association, holders of certificates of practice and holders of temporary licences related to arrangements under subsection (2).

Levies

Surrender of
cancelled
licence,
etc.

41. Where a licence, certificate of practice or temporary licence is revoked or cancelled, the former holder thereof shall forthwith deliver the licence, certificate of practice or temporary licence and related seal to the Registrar.

Application
for
restoration
of licence,
etc.

42.—(1) A person whose licence, certificate of practice or temporary licence has been revoked for cause under this Act, or whose membership has been cancelled for cause under a predecessor of this Act, may apply in writing to the Registrar for the issuance of a licence, certificate of practice or temporary licence, but such application shall not be made sooner than two years after the revocation.

Removal of
suspension

(2) A person whose licence, certificate of practice or temporary licence has been suspended for cause under this Act, or whose membership has been suspended for cause under a predecessor of this Act, may apply in writing to the Registrar for the removal of the suspension, but, where the suspension is for more than one year, the application shall not be made sooner than one year after the commencement of the suspension.

Reference to
Discipline
Committee

(3) The Registrar shall refer the application to the Discipline Committee which shall hold a hearing respecting and decide upon the application, and shall report its decision and reasons to the Council and to the applicant.

Procedures

(4) The provisions of this Act applying to hearings by the Registration Committee, except section 36, apply with necessary modifications to proceedings of the Discipline Committee under this section.

Direction
by Council
to issue
licence

(5) Notwithstanding subsections (1), (2) and (3), the Council may direct at any time that a licence, certificate of practice or temporary licence be issued to a person whose licence, certificate of practice or temporary licence has previously been revoked for cause or suspended for cause or that a suspension or cancellation for cause under a predecessor of this Act be removed, subject to such terms, conditions or limitations as the Council considers appropriate.

Confidentiality

43.—(1) Every person engaged in the administration of this Act, including any person making an examination or review under section 32 or an investigation under section 38, shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, inquiry or investigation and shall not communicate any such matters to any other person except,

(a) as may be required in connection with the administration of,

(i) this Act and the regulations and by-laws, or

(ii) the *Professional Engineers Act, 1984* and the ^{1984, c. 13} regulations and by-laws under that Act,

or any proceedings under,

(iii) this Act or the regulations, or

(iv) the *Professional Engineers Act, 1984* or the regulations under that Act;

(b) to his counsel; or

(c) with the consent of the person to whom the information relates.

(2) No person to whom subsection (1) applies shall be required to give testimony or to produce any book, record, document or thing in any action or proceeding with regard to information obtained by him in the course of his duties, employment, inquiry or investigation except in a proceeding under this Act or the regulations or by-laws or a proceeding under the *Professional Engineers Act, 1984* or the regulations or by-laws under that Act.

Testimony
in civil
action

44.—(1) A corporation whose name includes the word “architect” or a derivative or abbreviation of “architect” and that ceases to hold a subsisting certificate of practice shall not carry on or engage in any business until the word “architect” or the derivative or abbreviation of “architect” is removed from the name of the corporation.

Use of
word
“architect”
by
corporation

(2) Subsection (1) does not apply to prevent a corporation from carrying on an activity necessary to the winding up of the corporation.

Exception

45. Where any provision of this Act or the regulations is contravened, notwithstanding any other remedy or any penalty imposed, the Association may apply to a judge of the Supreme Court for an order prohibiting the continuation or repetition of the contravention or the carrying on of any activity specified in the order that, in the opinion of the court, will or will likely result in the continuation or repetition of the contravention by the person committing the contravention, and the judge may make the order and it may be enforced in

Proceedings
to prohibit
continuation
or repetition
of contra-
vention

the same manner as any other order or judgment of the Supreme Court.

Penalties

46.—(1) Every person who contravenes section 11 is guilty of an offence and on conviction is liable for the first offence to a fine of not more than \$15,000 and for each subsequent offence to a fine of not more than \$30,000.

Idem

(2) Every person who is not a holder of a licence, certificate of practice or temporary licence and who,

(a) uses the title "architect" as an occupational designation;

(b) uses,

(i) an addition to or an abbreviation of the title "architect",

(ii) an occupational designation, or

(iii) a term, title, addition or description,

that will lead to the belief that the person may engage in the practice of architecture; or

(c) uses a seal that will lead to the belief that the person is an architect,

is guilty of an offence and on conviction is liable for the first offence to a fine of not more than \$5,000 and for each subsequent offence to a fine of not more than \$15,000.

Idem

(3) Any person who obstructs a person appointed to make an investigation under section 38 in the course of his duties is guilty of an offence and on conviction is liable to a fine of not more than \$5,000.

Idem

(4) Every corporation that contravenes section 44 is guilty of an offence and on conviction is liable for a first offence to a fine of not more than \$5,000 and for each subsequent offence to a fine of not more than \$15,000.

Idem,
director or
officer of
corporation

(5) Where a corporation is guilty of an offence under subsection (1), (2), (3) or (4), every director or officer of the corporation who authorizes, permits or acquiesces in the offence is guilty of an offence and on conviction is liable to a fine of not more than \$30,000.

(6) Where a person who is guilty of an offence under subsection (1), (2), (3) or (4) is a member or an employee of a partnership, every member of the partnership who authorizes, permits or acquiesces in the offence is guilty of an offence and on conviction is liable to a fine of not more than \$30,000.

Idem,
partner

(7) Proceedings shall not be commenced in respect of an offence under subsection (1), (2), (3), (4), (5) or (6) after two years after the date on which the offence was, or is alleged to have been, committed.

Limitation

(8) It is not an offence under subsection (2),

Exception

- (a) for a member of the Association of Architectural Technologists of Ontario to use the designation "architectural technologist" or "architectural technician";
- (b) for a person to use the designation "landscape architect"; or
- (c) for a person to use the title "architect" if the person is a member of a class for whom the use of the title is a privilege prescribed by the regulations.

47.—(1) Any person who makes or causes to be made any wilful falsification in any matter relating to a register or issues a false licence, certificate of practice, temporary licence or document with respect to registration is guilty of an offence and on conviction is liable to a fine of not more than \$5,000.

Falsification
of
certificate

(2) Every person who wilfully procures or attempts to procure the issuance of a licence, a certificate of practice or a temporary licence under this Act by knowingly making any false representation or declaration or by making a fraudulent representation or declaration, either orally or in writing, is guilty of an offence and on conviction is liable to a fine of not more than \$5,000, and every person knowingly aiding and assisting him therein is guilty of an offence and on conviction is liable to a fine of not more than \$5,000.

Offences
for false
representation

(3) Proceedings to obtain a conviction for an offence under subsection (1) or (2) shall not be commenced after the expiration of six months after the date on which the offence was, or is alleged to have been, committed.

Limitation
period

48. Where licensing or the holding of a certificate of practice or a temporary licence or acting under and in accordance with a certificate of practice under this Act is required to permit the lawful doing of any act or thing, if in any prosecution

Onus of
proof

it is proven that the defendant has done such act or thing, the burden of proving that he was so licensed or that he held a subsisting certificate of practice or temporary licence or that he acted in accordance with a certificate of practice under this Act rests upon the defendant.

Service
of notice

49. A notice or document required by this Act to be served or delivered may be served or delivered personally or by mail addressed to the person to whom notice is to be given at his last known address and, where notice is served or delivered by mail, the service or delivery shall be deemed to have been made on the tenth day after the day of mailing unless the person to whom notice is given establishes that he, acting in good faith, through absence, accident, illness or other cause beyond his control, did not receive the notice, or did not receive the notice until a later date.

Registrar's
certificate
as evidence

50. Any statement containing information from the records required to be kept by the Registrar under this Act, purporting to be certified by the Registrar under the seal of the Association, is admissible in evidence in all courts as proof in the absence of evidence to the contrary of the facts stated therein without proof of the appointment or signature of the Registrar and without proof of the seal.

Immunity

51.—(1) No action or other proceeding for damages shall be instituted against the Association, a committee of the Association or a member of the Association or committee, or an officer, employee, agent or appointee of the Association for any act done in good faith in the performance or intended performance of any duty or in the exercise or the intended exercise of any power under this Act, a regulation or a by-law, or for any neglect or default in the performance or exercise in good faith of such duty or power.

Councillor
indemnified
in suits
respecting
execution of
his office

(2) Every member of the Council and every officer, member or employee of the Association, and his heirs, executors and administrators, and estate and effects, respectively, may, with the consent of the Association, given at any meeting of the members of the Association, from time to time and at all times, be indemnified and saved harmless out of the funds of the Association, from and against,

(a) all costs, charges and expenses whatsoever that he sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against him, for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by him, in or about the execution of the duties of his office, employment or appointment; and

- (b) all other costs, charges and expenses that he sustains or incurs in or about or in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by his own wilful neglect or default.

52.—(1) There shall be a board to be known as the “Joint Practice Board” to assist the Ontario Association of Architects and the Association of Professional Engineers of Ontario in the maintenance of the professional relationship between the two associations.

(2) The Joint Practice Board shall be composed of a chairman, three members representing the Ontario Association of Architects and three members representing the Association of Professional Engineers of Ontario.

(3) The Lieutenant Governor in Council may appoint the chairman after requesting and considering the views, if any, of the council of each of the associations and may provide for remuneration and payment of the expenses, or either of them, of the chairman.

(4) The Council shall appoint to the Joint Practice Board the three members representing the Association and shall prescribe the term of each appointment.

(5) The Joint Practice Board may recommend to the Council,

- (a) that the Council direct the Registrar to issue a licence or a certificate of practice to a holder of a general certificate of authorization;
- (b) that an inspection be made of records, other than financial records, of a specific member of the Association, holder of a certificate of practice or holder of a temporary licence as part of a program of inspection of records other than financial records.

(6) The Council, upon the recommendation of the Joint Practice Board, may direct the Registrar to issue a licence or a certificate of practice to a holder of a general certificate of authorization and, if the Council does not direct the issuance of the licence or the certificate of practice, the Council shall give its reasons therefor in writing to the Joint Practice Board and to the applicant for the licence or the certificate of practice.

Joint
Practice
Board

Composition

Appointment
of
chairman

Appoint-
ment of
members
by Council

Recommendations

Direction by
Council to
issue licence
or certificate
of practice

Referral of
dispute to
Joint
Practice
Board
1984, c. 13

(7) Where a dispute arises between an architect and a professional engineer or a holder of a certificate of authorization issued under the *Professional Engineers Act, 1984* as to jurisdiction in respect of professional services, the Registrar may refer the matter to the Joint Practice Board and the Joint Practice Board shall consider the matter and assist the architect and the professional engineer or the holder of the certificate of authorization to resolve the dispute in accordance with the rules in section 11.

Commencement
of
proceedings

(8) Proceedings shall not be commenced under this Act in respect of a matter mentioned in subsection (7) except upon the certificate of the chairman of the Joint Practice Board that the Board has considered the matter and has been unable to resolve the dispute.

Certificate

(9) The certificate of the chairman is admissible in evidence in all courts as proof in the absence of evidence to the contrary of the facts stated therein without proof of the appointment or signature of the chairman.

Annual
report

53.—(1) The Council shall make a report annually to the Minister containing such information as the Minister requires.

Idem

(2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Application
of
R.S.O.1980,
c. 95

54.—(1) The *Corporations Act* does not apply in respect of the Association except for the following sections of that Act which shall apply with necessary modifications in respect of the Association:

1. Section 81 (which relates to liability for wages).
2. Section 94 (which relates to auditors) and, for the purpose, the Attorney General shall be deemed to be the Minister referred to in the section.
3. Subsection 95 (1) (which relates to the auditor's qualifications) and, for the purpose, the subsection shall be deemed not to include,
 - i. the exception as provided in subsection 95 (2), and
 - ii. the reference to an affiliated company.
4. Section 96 (which relates to the auditor's functions).

5. Subsection 97 (1), exclusive of clause 97 (1) (b), (which relates to the auditor's report) and, for the purpose, the Association shall be deemed to be a private company.
6. Subsection 97 (3) (which relates to the auditor's report).
7. Section 122 (which relates to the liability of members).
8. Section 276 (which relates to the holding of land) and, for the purpose, the Attorney General shall be deemed to be the Minister referred to in the section.
9. Section 280 (which relates to making contracts).
10. Section 281 (which relates to power of attorney).
11. Section 282 (which relates to authentication of documents) except in respect of information from the records required to be kept by the Registrar.
12. Section 292 (which relates to validity of acts of directors).
13. Section 294 (which relates to general meetings).
14. Section 297 (which relates to directions by a court as to holding a meeting).
15. Section 299 (which relates to minutes of meetings).
16. Section 302 (which relates to books of account).
17. Section 303 (which relates to untrue entries) and, for the purpose, the section shall be deemed not to refer to section 41 of that Act.
18. Section 304 (which relates to the place of keeping and the inspection of records) and, for the purpose,
 - i. the section shall be deemed not to refer to sections 41 and 43 of that Act, and
 - ii. the Attorney General shall be deemed to be the Minister referred to in the section.

19. Section 305 (which relates to inspection of records) and, for the purpose, the section shall be deemed not to refer to section 41 of that Act.
20. Section 310 (which relates to investigations and audits).
21. Section 323 (which relates to evidence of by-laws and certificates of amounts due).
22. Section 329 (which relates to removal of proceedings into the Supreme Court).
23. Section 330 (which relates to appeals).
24. Section 331 (which relates to untrue statements) and, for the purpose,
 - i. the section shall be deemed not to refer to regulations made under that Act, and
 - ii. the Attorney General and the Deputy Attorney General shall be deemed to be the Minister and the Deputy Minister referred to in the section.
25. Section 333 (which relates to orders by the court) and, for the purpose, the section shall be deemed not to refer to creditors.

Interpretation (2) For the purposes of subsection (1), a member of the Association shall be deemed to be a shareholder.

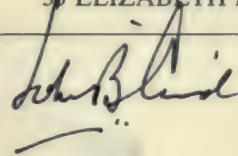
Repeal **55.**—(1) The *Architects Act*, being chapter 26 of the Revised Statutes of Ontario, 1980, is repealed.

References (2) Any reference in any Act or regulation to the *Architects Act* shall be deemed to be a reference to this Act.

Idem (3) Any reference in any Act or regulation to an architect as a member of the Association under the *Architects Act* shall be deemed to be a reference to an architect licensed under this Act.

Commencement **56.** This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title **57.** The short title of this Act is the *Architects Act, 1984*.



Bill 123

*(Chapter 13
Statutes of Ontario, 1984)*

An Act to revise the Professional Engineers Act

The Hon. R. McMurtry
Attorney General

<i>1st Reading</i>	March 20th, 1984
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RODGER L. LAWRENCE
CLERK
LEGISLATIVE ASSEMBLY

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HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpretation

1984, c. 12

- (a) "Academic Requirements Committee" means the Academic Requirements Committee appointed pursuant to the regulations;
- (b) "architect" means a person who is licensed or who holds a certificate of practice or a temporary licence under the *Architects Act, 1984*;
- (c) "Association" means Association of Professional Engineers of Ontario;
- (d) "by-laws" means by-laws made under this Act;
- (e) "certificate of authorization" means certificate of authorization issued under this Act to engage in the business of providing services that are within the practice of professional engineering;
- (f) "Complaints Review Councillor" means Complaints Review Councillor appointed under this Act;
- (g) "Council" means Council of the Association;
- (h) "Experience Requirements Committee" means the Experience Requirements Committee appointed pursuant to the regulations;
- (i) "Joint Practice Board" means Joint Practice Board established under the *Architects Act, 1984*;
- (j) "licence" means licence to engage in the practice of professional engineering issued under this Act;
- (k) "limited licence" means limited licence to engage in the practice of professional engineering issued under this Act;
- (l) "Minister" means the Attorney General or such other member of the Executive Council as is designated by the Lieutenant Governor in Council;
- (m) "practice of professional engineering" means any act of designing, composing, evaluating, advising, reporting, directing or supervising wherein the safeguarding of life, health, property or the public welfare is concerned and that requires the application of engineering principles, but does not include practising as a natural scientist;

- (n) "professional engineer" means a person who holds a licence or a temporary licence;
- (o) "Registrar" means Registrar of the Association;
- (p) "regulations" means regulations made under this Act;
- (q) "temporary licence" means temporary licence to engage in the practice of professional engineering issued under this Act.

2.—(1) The Association of Professional Engineers of the Province of Ontario, a body corporate, is continued as a corporation without share capital under the name of "Association of Professional Engineers of Ontario".

Association
continued

(2) The head office of the Association shall be at The Municipality of Metropolitan Toronto.

Head office

(3) The principal object of the Association is to regulate the practice of professional engineering and to govern its members, holders of certificates of authorization, holders of temporary licences and holders of limited licences in accordance with this Act, the regulations and the by-laws in order that the public interest may be served and protected.

Principal
object

(4) For the purpose of carrying out its principal object, the Association has the following additional objects:

Additional
objects

1. To establish, maintain and develop standards of knowledge and skill among its members.
2. To establish, maintain and develop standards of qualification and standards of practice for the practice of professional engineering.
3. To establish, maintain and develop standards of professional ethics among its members.
4. To promote public awareness of the role of the Association.
5. To perform such other duties and exercise such other powers as are imposed or conferred on the Association by or under any Act.

Capacity
and powers
of
Association

(5) For the purpose of carrying out its objects, the Association has the capacity and the powers of a natural person.

Council
of
Association

3.—(1) The Council of the Association is continued and shall be the governing body and board of directors of the Association and shall manage and administer its affairs.

Composition
of
Council

(2) The Council shall be composed of,

- (a) not fewer than fifteen and not more than twenty persons who are members of the Association and who are elected by the members of the Association as provided by the regulations;
- (b) not fewer than five and not more than seven persons who are members of the Association and who are appointed by the Lieutenant Governor in Council;
- (c) not fewer than three and not more than five persons who are not members of the governing body of a self-regulating licensing body under any other Act or licensed under this Act and who are appointed by the Lieutenant Governor in Council; and
- (d) the holders of offices prescribed by the regulations who are not members of the Council under clause (a), (b) or (c).

Idem

(3) No person shall be elected or appointed to the Council unless he is a Canadian citizen resident in Ontario.

Remuneration
of lay
members

(4) The persons appointed under clause (2) (c) shall be paid, out of the moneys appropriated therefor by the Legislature, such expenses and remuneration as is determined by the Lieutenant Governor in Council.

Term of
office of
appointed
members

(5) In each year, the persons to be appointed by the Lieutenant Governor in Council shall be appointed for one year, two year or three year terms in order that one-third, or as near thereto as possible, shall be appointed in each year.

Qualifica-
tions to
vote

(6) Every member of the Association who is not in default of payment of an annual fee prescribed by the by-laws is qualified to vote at an election of members of the Council.

(7) The Association shall have the officers provided for by the regulations. Officers

(8) The Council shall appoint during pleasure a Registrar and may appoint one or more deputy registrars who shall have the powers of the Registrar for the purposes of this Act, and may appoint such other persons as are from time to time necessary or desirable in the opinion of the Council to perform the work of the Association. Registrar
and staff

(9) A majority of the members of the Council constitutes a quorum. Quorum

(10) Where one or more vacancies occur in the membership of the Council, the members remaining in office constitute the Council so long as their number is not fewer than a quorum. Vacancies

(11) A vacancy on the Council caused by the death, resignation, removal or incapacity to act of an elected member of the Council shall be filled as soon as practicable by a member of the Association, Filling
of
vacancy

(a) where a quorum of the Council remains in office, appointed by the majority of the Council, and the member so appointed shall be deemed to be an elected member of the Council; or

(b) where no quorum of the Council remains in office, elected in accordance with the regulations,

and the member so appointed or elected shall hold office for the unexpired portion of the term of office of the member whose office he is elected or appointed to fill.

(12) The Council shall meet at least four times a year. Meetings
of Council

(13) The members of the Council of the Association of Professional Engineers of the Province of Ontario who were elected or appointed and in office immediately before this Act comes into force shall continue in office and shall be deemed to be elected or appointed, as the case requires, under subsection (2) until the expiration of the term for which they were elected or appointed or until the office otherwise becomes vacant. Continuation
of Council
members

4. The Association shall hold an annual meeting of the members of the Association not more than fifteen months after the holding of the last preceding annual meeting. Annual
meetings

Membership

5.—(1) Every person who holds a licence is a member of the Association subject to any term, condition or limitation to which the licence is subject.

Resignation
of
membership

(2) A member may resign his membership by filing with the Registrar his resignation in writing and his licence is thereupon cancelled, subject to the continuing jurisdiction of the Association in respect of any disciplinary action arising out of his professional conduct while a member.

Powers
of
Minister

6. In addition to his other powers and duties under this Act, the Minister may,

- (a) review the activities of the Council;
- (b) request the Council to undertake activities that, in the opinion of the Minister, are necessary and advisable to carry out the intent of this Act;
- (c) advise the Council with respect to the implementation of this Act and the regulations and with respect to the methods used or proposed to be used by the Council to implement policies and to enforce its regulations and procedures.

Regulations

7.—(1) Subject to the approval of the Lieutenant Governor in Council and with prior review by the Minister, the Council may make regulations,

1. fixing the number of members to be elected to the Council under clause 3 (2) (a) and defining constituencies, and prescribing the number of representatives;
2. respecting and governing the qualifications, nomination, election and term or terms of office of the members to be elected to the Council, and contested elections;
3. prescribing the conditions disqualifying elected members from sitting on the Council and governing the filling of vacancies on the Council;
4. prescribing positions of officers of the Association and providing for their election or appointment;
5. respecting the composition of the committees required by this Act, other than the Complaints Committee and the Discipline Committee, the mechanism of the appointment of members of the

committees and procedures ancillary to those specified in this Act in respect of any committee;

6. respecting matters of practice and procedure before committees required under this Act that do not conflict with the *Statutory Powers Procedure Act*;
7. prescribing the quorums of the committees required by this Act other than the Complaints Committee and the Discipline Committee;
8. prescribing classes of persons whose interests are related to those of the Association and the privileges of members of the classes in relation to the Association;
9. respecting any matter ancillary to the provisions of this Act with regard to the issuing, suspension and revocation of licences, certificates of authorization, temporary licences and limited licences, including but not limited to regulations respecting,
 - i. the scope, standards and conduct of any examination set or approved by the Council as a licensing requirement,
 - ii. the curricula and standards of professional training programs offered by the Council,
 - iii. the academic, experience and other requirements for admission into professional training programs,
 - iv. classes of licences,
 - v. the academic and experience requirements for the issuance of a licence or any class of licence, and
 - vi. classes of certificates of authorization, temporary licences and limited licences, including prescribing requirements and qualifications for the issuance of specified classes of certificates of authorization, temporary licences and limited licences, and terms and conditions that shall apply to specified classes of certificates of authorization, temporary licences and limited licences;

R.S.O. 1980,
c. 484

10. prescribing forms of applications for licences, certificates of authorization, temporary licences and limited licences and requiring their use;
11. requiring the making of returns of information in respect of the holdings of shares and the officers and directors of corporations that apply for or hold certificates of authorization and in respect of the interests of partners that apply for or hold certificates of authorization and prescribing and requiring the use of forms of such returns;
12. requiring and governing the signing and sealing of documents and designs by members of the Association, holders of temporary licences and holders of limited licences, specifying the forms of seals and respecting the issuance and ownership of seals;
13. requiring the making of returns of information by members of the Association and holders of certificates of authorization, temporary licences and limited licences in respect of names, addresses, telephone numbers, professional associates, partners, employees and professional liability insurance, and prescribing and requiring the use of forms of such returns;
14. requiring and governing the disclosure of the identity of holders of certificates of authorization on documents and designs involving the practice of professional engineering issued by such holders and specifying the form and manner of such disclosure;
15. governing the use of names and designations in the practice of professional engineering by members of the Association and holders of certificates of authorization, temporary licences and limited licences;
16. providing for the maintenance and inspection of registers of members of the Association, holders of temporary licences, holders of limited licences and holders of certificates of authorization;
17. prescribing and governing standards of practice and performance standards for the profession;
18. providing for the setting of schedules of suggested fees for professional engineering services and for the publication of the schedules;

19. respecting the advertising of the practice of professional engineering;
20. prescribing a code of ethics;
21. defining professional misconduct for the purposes of this Act;
22. providing for the designation of members of the Association and holders of temporary licences as specialists, prescribing the qualifications and requirements for designation as a specialist, providing for the suspension or revocation of such a designation and for the regulation and prohibition of the use of the designation by members of the Association, a holder of a temporary licence or a certificate of authorization;
23. providing for the designation of members of the Association as consulting engineers, prescribing the qualifications and requirements for designation as a consulting engineer, providing for the suspension or revocation of such a designation and for the regulation and prohibition of the use of the designation by members of the Association, a holder of a temporary licence or a certificate of authorization;
24. prescribing the minimum requirements for professional liability insurance, requiring the delivery to the Registrar of proof of such insurance and prescribing the form of such proof and the manner and time of the delivery;
25. prescribing the amount of and requiring the payment of annual fees by holders of certificates of authorization, temporary and limited licences and by students and members of related classes recognized by the Association, and fees for temporary licences, limited licences, certification, registration, designations, examinations and continuing education, including penalties for late payment, and fees for anything the Registrar is required or authorized to do, and prescribing the amounts thereof;
26. providing for the entering into of arrangements by the Association for its members and holders of certificates of authorization, temporary licences and limited licences respecting indemnity for professional liability and requiring the payment and remittance of premiums in connection therewith and pre-

scribing levies to be paid by members and holders of certificates of authorization, temporary licences and limited licences in respect of such indemnity for professional liability;

27. providing for continuing education of members;
28. respecting the duties and authority of the Registrar;
29. prescribing qualifications and requirements that shall be complied with to obtain the reinstatement of a licence, certificate of authorization, temporary licence or limited licence that was cancelled by the Registrar;
30. classifying and exempting any class of holders of licences, certificates of authorization, temporary licences or limited licences from any provision of the regulations under such special circumstances in the public interest as the Council considers advisable;
31. exempting any act within the practice of professional engineering from the application of this Act;
32. specifying acts within the practice of professional engineering that are exempt from the application of this Act when performed or provided by a member of a prescribed class of persons, and prescribing classes of persons for the purpose of the exemption.

Distribution
of
regulations

- (2) A copy of each regulation made under subsection (1),
 - (a) shall be forwarded to each member of the Association and to each holder of a certificate of authorization, temporary licence or limited licence; and
 - (b) shall be available for public inspection in the office of the Association.

By-laws

8.—(1) The Council may pass by-laws relating to the administrative and domestic affairs of the Association not inconsistent with this Act and the regulations and, without limiting the generality of the foregoing,

1. prescribing the seal and other insignia of the Association and providing for their use;
2. providing for the execution of documents by the Association;

3. respecting banking and finance;
4. fixing the financial year of the Association and providing for the audit of the accounts and transactions of the Association;
5. respecting the calling, holding and conducting of meetings of the Council and the duties of members of Council;
6. providing for meetings of the Council and committees, except in a proceeding in respect of a membership, certificate of authorization, temporary licence or limited licence, by means of conference telephone or other communications equipment by means of which all persons participating in the meeting can hear each other, and a member of the Council or committee participating in a meeting in accordance with such by-law shall be deemed to be present in person at the meeting;
7. providing that the Council or a committee may act upon a resolution consented to by the signatures of all members of the Council or the committee except in a proceeding in respect of a licence, certificate of authorization, temporary licence or limited licence, and a resolution so consented to in accordance with such a by-law is as valid and effective as if passed at a meeting of the Council or the committee duly called, constituted and held for that purpose;
8. respecting the calling, holding and conducting of meetings of the membership of the Association;
9. authorizing voting by mail by the general membership of the Association on any of the business of the Association and prescribing procedures for such voting;
10. prescribing the duties of officers of the Association;
11. prescribing forms and providing for their use;
12. providing procedures for the making, amending and revoking of the by-laws;
13. respecting management of the property of the Association;

14. providing for the appointment, composition, powers, duties and quorums of additional or special committees;
15. respecting the application of the funds of the Association and the investment and reinvestment of any of its funds not immediately required, and for the safekeeping of its securities;
16. prescribing the amount and requiring the payment of annual fees by members of the Association;
17. respecting the borrowing of money by the Association and the giving of security therefor;
18. respecting membership of the Association in other organizations the objects of which are not inconsistent with and are complementary to those of the Association, the payment of annual assessments and provision for representatives at meetings;
19. providing for the establishment and dissolution and governing the operation of groups of members of the Association and respecting grants by the Association to any such groups;
20. authorizing the making of grants for any purpose that may tend to advance knowledge of professional engineering education, or maintain or improve the standards of practice in professional engineering or support and encourage public information and interest in the past and present role of professional engineering in society;
21. respecting scholarships, bursaries and prizes related to the study of professional engineering;
22. respecting the establishment and operation and use of publications of the Association;
23. providing for an employment advisory service and for the continuance of the retirement savings plans in which members of the Association may participate on a voluntary basis;
24. regarding such other matters as are entailed in carrying on the business of the Association and are not included in section 7.

(2) A by-law passed by the Council is not effective until confirmed by the members of the Association.

When
by-laws
come into
force

(3) A by-law passed by the Council may be confirmed by the members of the Association only by means of a vote conducted by mail.

Confirmation
of by-laws

(4) A copy of the by-laws made under subsection (1) and amendments thereto,

Distribution
of by-laws

- (a) shall be forwarded to the Minister;
- (b) shall be forwarded to each member of the Association; and
- (c) shall be available for public inspection in the office of the Association.

9. The Council shall establish and designate an official publication of the Association.

Official
publication

10.—(1) The Council shall establish and appoint the following committees:

Establish-
ment of
committees

- (a) Executive Committee;
- (b) Academic Requirements Committee;
- (c) Experience Requirements Committee;
- (d) Registration Committee;
- (e) Complaints Committee;
- (f) Discipline Committee;
- (g) Fees Mediation Committee,

and may establish such other committees as the Council from time to time considers necessary.

(2) Where one or more vacancies occur in the membership of a committee, the members remaining in office constitute the committee so long as their number is not fewer than the prescribed quorum.

Vacancies

11. The Council may delegate to the Executive Committee the authority to exercise any power or perform any duty of the Council other than to make, amend or revoke a regulation or a by-law.

Executive
Committee

Licence or limited licence required

12.—(1) No person shall engage in the practice of professional engineering or hold himself out as engaging in the practice of professional engineering unless the person is the holder of a licence, a temporary licence or a limited licence.

Certificate of authorization

(2) No person shall offer to the public or engage in the business of providing to the public services that are within the practice of professional engineering except under and in accordance with a certificate of authorization.

Exceptions

(3) Subsections (1) and (2) do not apply to prevent a person,

- (a) from doing an act that is within the practice of professional engineering in relation to machinery or equipment, other than equipment of a structural nature, for use in the facilities of the person's employer in the production of products by the person's employer;
- (b) from doing an act that is within the practice of professional engineering where a professional engineer assumes responsibility for the services within the practice of professional engineering to which the act is related;
- (c) from designing or providing tools and dies;
- (d) from doing an act that is within the practice of professional engineering but that is exempt from the application of this Act when performed or provided by a member of a class of persons prescribed by the regulations for the purpose of the exemption, if the person is a member of the class;
- (e) from doing an act that is exempt by the regulations from the application of this Act.

Idem

(4) Subsections (1) and (2) do not apply to the preparation or provision of a design for the construction, enlargement or alteration of a building,

- (a) that is not more than three storeys and not more than 600 square metres in gross area as constructed, enlarged or altered;
- (b) that is used or intended for one or more of residential occupancy, business occupancy, personal services occupancy, mercantile occupancy or industrial occupancy; and

- (c) is not designed to house and is not part of an apparatus, process, facility or works the design of which is within the practice of professional engineering.

(5) Subsections (1) and (2) do not apply to,

Idem

- (a) the preparation or provision of a design for the construction, enlargement or alteration of a building that is not more than three storeys and that is used or intended for residential occupancy and,
- (i) that contains one dwelling unit or two attached dwelling units each of which is constructed directly on grade, or
 - (ii) that is not more than 600 square metres in building area as constructed, enlarged or altered and contains three or more attached dwelling units, each of which is constructed directly on grade, with no dwelling unit constructed above another dwelling unit; or
- (b) the preparation or provision of a design for alterations within a dwelling unit that will not affect or are not likely to affect fire separations, firewalls, the strength or safety of the building or the safety of persons in the building.

(6) The following rules govern the relationship between professional engineers and architects and subsections (1) and (2) do not apply to prevent an architect from preparing or providing a design for and carrying out the general review of the construction, enlargement or alteration of a building in accordance with these rules:

1. Only an architect may prepare or provide a design for the construction, enlargement or alteration of a building,
 - i. used or intended for residential occupancy,
 - ii. that exceeds 600 square metres in gross area, and
 - iii. that does not exceed three storeys,

and carry out the general review of the construction, enlargement or alteration of the building but an architect who prepares or provides such a design may engage a professional engineer to provide ser-

vices within the practice of professional engineering in connection with the design and the professional engineer may provide the services.

2. A professional engineer or an architect may prepare or provide a design for the construction, enlargement or alteration of a building,
 - i. that exceeds 600 square metres in gross area or three storeys, and
 - ii. that is used or intended for,
 - A. industrial occupancy, or
 - B. mixed occupancy consisting of industrial occupancy and one or more other occupancies, where none of the other occupancies exceeds 600 square metres of the gross area,
3. Subject to rules 4 and 5, a professional engineer shall provide services that are within the practice of professional engineering and an architect shall provide services that are within the practice of architecture related to the construction, enlargement or alteration of a building used or intended for,
 - i. assembly occupancy,
 - ii. institutional occupancy,
 - iii. business occupancy or personal services occupancy that exceeds 600 square metres in gross area or three storeys,
 - iv. mercantile occupancy that exceeds 600 square metres in gross area or three storeys,
 - v. residential occupancy that exceeds three storeys,
 - vi. mixed occupancy consisting of industrial occupancy and one or more other occupancies, where one of the other occupancies exceeds 600 square metres in gross area,

vii. mixed occupancy consisting of a combination of,

- A. assembly occupancy and any other occupancy, except industrial occupancy,
- B. institutional occupancy and any other occupancy, except industrial occupancy,
- C. one or more of,
 - 1. business occupancy,
 - 2. personal services occupancy, or
 - 3. mercantile occupancy,

and any other occupancy, except assembly occupancy, institutional occupancy or industrial occupancy,

where the building as constructed, enlarged or altered exceeds 600 square metres in gross area or three storeys,

- D. residential occupancy that exceeds three storeys and any other occupancy, where the building as constructed, enlarged or altered exceeds 600 square metres in gross area, or

viii. any other occupancy where the building as constructed, enlarged or altered exceeds 600 square metres in gross area or three storeys,

but a professional engineer may provide a design for the industrial occupancy of a mixed occupancy described in subparagraph vi.

- 4. An architect may perform or provide services that are within the practice of professional engineering in preparing or providing a design for and carrying out the general review of the construction, enlargement or alteration of a building described in rule 2 or 3 where to do so does not constitute a substantial part of the services within the practice of professional engineering related to the construction, enlargement or alteration of the building and is necessary,

- i. for the construction, enlargement or alteration of the building and is incidental to other services provided as part of the practice of architecture by the architect in respect of the construction, enlargement or alteration of the building, or
 - ii. for co-ordination purposes.
5. A professional engineer may perform or provide services that are within the practice of architecture in preparing or providing a design for and carrying out the general review of the construction, enlargement or alteration of a building described in rule 1 or 3 where to do so does not constitute a substantial part of the services within the practice of architecture related to the construction, enlargement or alteration of the building and is necessary,
 - i. for the construction, enlargement or alteration of the building and is incidental to other services provided as part of the practice of professional engineering by the professional engineer in respect of the construction, enlargement or alteration of the building, or
 - ii. for co-ordination purposes.
 6. Only an architect may carry out or provide the general review of the construction, enlargement or alteration of a building,
 - i. that is constructed, enlarged or altered in accordance with a design prepared or provided by an architect, or
 - ii. in relation to services that are provided by an architect in connection with the design in accordance with which the building is constructed, enlarged or altered.
 7. Only a professional engineer may carry out or provide the general review of the construction, enlargement or alteration of a building,
 - i. that is constructed, enlarged or altered in accordance with a design prepared or provided by a professional engineer, or

- ii. in relation to services that are provided by a professional engineer in connection with the design in accordance with which the building is constructed, enlarged or altered.
- 8. A professional engineer or an architect may act as prime consultant for the construction, enlargement or alteration of a building.
- 9. A reference in these rules to the provision of a design or services by a professional engineer applies equally to a holder of a certificate of authorization.

(7) Subsections (1) and (2) do not apply to prevent a person from carrying out a general review of the construction, enlargement or alteration of a building that does not or is not intended to take the place of a general review required to be done by a professional engineer. Idem

(8) In this section,

Interpretation

- (a) "assembly occupancy" means occupancy for gatherings of persons for civic, educational, political, recreational, religious, social, travel or other similar purpose, or for the consumption of food or drink;
- (b) "building" means a structure consisting of a wall, roof and floor, or any one or more of them;
- (c) "building area" means the greatest horizontal area of a building within the outside surface of exterior walls or, where a firewall is to be constructed, within the outside surface of exterior walls and the centre line of firewalls;
- (d) "business occupancy" means occupancy for the transaction of business;
- (e) "construction" means the doing of anything in the erection, installation, extension or repair of a building and includes the installation of a building unit fabricated or moved from elsewhere, and "constructed" has a corresponding meaning;
- (f) "design" means a plan, sketch, drawing, graphic representation or specification intended to govern the construction, enlargement or alteration of a building or a part of a building;

- (g) "dwelling unit" means a room or suite of rooms used or intended to be used as a domicile by one or more persons and usually containing cooking, eating, living, sleeping and sanitary facilities;
- (h) "fire separation" means a construction assembly that acts as a barrier against the spread of fire and that may or may not have a fire-resistance rating or a fire-protection rating;
- (i) "firewall" means a type of fire separation of non-combustible construction that subdivides a building or separates adjoining buildings to resist the spread of fire and that has a fire-resistance rating as prescribed in Ontario Regulation 583/83 (known as the Building Code), as amended from time to time, and has structural stability to remain intact under fire conditions for the fire-resistance time for which it is rated;
- (j) "general review", in relation to the construction, enlargement or alteration of a building, means an examination of the building to determine whether the construction, enlargement or alteration is in general conformity with the design governing the construction, enlargement or alteration, and reporting thereon;
- (k) "grade" means the lowest of the average levels of finished ground adjoining each exterior wall of a building, but does not include localized depressions such as for vehicle or pedestrian entrances;
- (l) "graphic representation" means a representation produced by electrical, electronic, photographic or printing methods and includes a representation produced on a video display terminal;
- (m) "gross area" means the total area of all floors above grade measured between the outside surfaces of exterior walls or, where no access or building service penetrates a firewall, between the outside surfaces of exterior walls and the centre line of firewalls but in a residential occupancy where access or a building service penetrates a firewall, the measurement may be taken to the centre line of the firewall;
- (n) "industrial occupancy" means occupancy for assembling, fabricating, manufacturing, processing,

repairing or storing of goods or materials or for producing, converting, processing or storing of energy, waste or natural resources;

- (o) "institutional occupancy" means occupancy for the harbouring, housing or detention of persons who require special care or treatment on account of their age or mental or physical limitations or who are involuntarily detained;
- (p) "mercantile occupancy" means occupancy or use for displaying or selling retail goods, wares or merchandise;
- (q) "personal services occupancy" means occupancy for the rendering or receiving of professional or personal services;
- (r) "residential occupancy" means occupancy for providing sleeping accommodation for persons, but does not include institutional occupancy.

(9) For the purposes of this section, proof of the performance of one act in the practice of professional engineering on one occasion is sufficient to establish engaging in the practice of professional engineering.

Proof of
practice

13. A corporation that holds a certificate of authorization may provide services that are within the practice of professional engineering.

Corporation

14.—(1) The Registrar shall issue a licence to a natural person who applies therefor in accordance with the regulations and,

Issuance
of
licence

- (a) is a citizen of Canada or has the status of a permanent resident of Canada;
- (b) is not less than eighteen years of age;
- (c) has complied with the academic requirements specified in the regulations for the issuance of the licence and has passed such examinations as the Council has set or approved in accordance with the regulations or is exempted therefrom by the Council;
- (d) has complied with the experience requirements specified in the regulations for the issuance of the licence; and

(e) is of good character.

Grounds for refusal to issue licence

(2) The Registrar may refuse to issue a licence to an applicant where the Registrar is of the opinion, upon reasonable and probable grounds, that the past conduct of the applicant affords grounds for belief that the applicant will not engage in the practice of professional engineering in accordance with the law and with honesty and integrity.

Referral to committee

(3) The Registrar, on his own initiative, may refer and on the request of an applicant shall refer the application of the applicant for the issuance of a licence,

- (a) to the Academic Requirements Committee for a determination as to whether or not the applicant has met the academic requirements prescribed by the regulations for the issuance of the licence;
- (b) to the Experience Requirements Committee for a determination as to whether or not the applicant has met the experience requirements prescribed by the regulations for the issuance of the licence; or
- (c) first to the Academic Requirements Committee and then to the Experience Requirements Committee for determinations under clauses (a) and (b).

Determination by committee

(4) A determination by a committee under subsection (3) is final and is binding on the Registrar and on the applicant.

Hearing

(5) A committee shall receive written representations from an applicant but is not required to hold or to afford to any person a hearing or an opportunity to make oral submissions before making a determination under subsection (3).

Notice of determination

(6) The Registrar shall give notice to the applicant of a determination by a committee under subsection (3) and, if the applicant is rejected, the notice shall detail the specific requirements that the applicant must meet.

Issuance of certificate of authorization

15.—(1) The Registrar shall issue a certificate of authorization to a natural person, a partnership or a corporation that applies therefor in accordance with the regulations if the requirements and qualifications for the issuance of the certificate of authorization set out in the regulations are met.

General and standard certificate

(2) Where the Registrar proposes to issue a certificate of authorization to an applicant, the Registrar shall issue a standard certificate of authorization or, where the primary function of the applicant is or will be to provide to the public ser-

vices that are within the practice of professional engineering and the applicant requests a general certificate of authorization, the Registrar shall issue a general certificate of authorization to the applicant.

(3) The Registrar shall issue a standard certificate of authorization to a partnership of corporations that applies therefor in accordance with the regulations if at least one of the corporations holds a certificate of authorization.

Partnership
of
corporations

(4) Where a holder of a temporary licence assumes responsibility for and supervises the practice of professional engineering related to the services provided by the holder of a certificate of authorization, the certificate of authorization is subject to the same terms and conditions prescribed by the regulations that apply to the temporary licence.

Terms and
conditions

(5) A holder of a certificate of authorization ceases to be entitled to offer to the public or to provide to the public services that are within the practice of professional engineering as soon as there is no holder of a licence or a temporary licence who assumes responsibility for and supervises the practice of professional engineering provided by the holder of the certificate of authorization.

Suspension
of effect of
certificate
of
authorization

(6) The holder of a certificate of authorization must give notice to the Registrar when there ceases to be a holder of a licence or a temporary licence who assumes responsibility for and supervises the practice of professional engineering by the holder of the certificate of authorization and when the holder of the certificate of authorization designates another holder of a licence or a temporary licence to assume such responsibility and carry out such supervision.

Notice to
Registrar by
holder of
certificate
of
authorization

(7) A holder of a licence or a temporary licence who ceases to be responsible for and to supervise the practice of professional engineering by a holder of a certificate of authorization as the person so designated by the holder of the certificate of authorization shall give notice of the cessation forthwith to the Registrar.

Notice to
Registrar by
person in
position of
professional
responsibility

(8) The Registrar may refuse to issue or may suspend or revoke a certificate of authorization where the Registrar is of the opinion, upon reasonable and probable grounds,

Past conduct

- (a) that the past conduct of a person who is in a position of authority or responsibility in the operation of the business of the applicant for or the holder of the certificate of authorization affords grounds for the belief that the applicant or holder will not

engage in the business of providing services that are within the practice of professional engineering in accordance with the law and with honesty and integrity;

- (b) that the holder of the certificate of authorization does not meet the requirements or the qualifications for the issuance of the certificate of authorization set out in the regulations; or
- (c) that there has been a breach of a condition of the certificate of authorization.

16. The Registrar shall issue a licence or a certificate of authorization upon a direction of the Council made in accordance with a recommendation by the Joint Practice Board.

17.—(1) It is a condition of every certificate of authorization that the holder of the certificate shall provide services that are within the practice of professional engineering only under the personal supervision and direction of a member of the Association or the holder of a temporary licence.

(2) A member of the Association or a holder of a temporary licence who personally supervises and directs the providing of services within the practice of professional engineering by a holder of a certificate of authorization or who assumes responsibility for and supervises the practice of professional engineering related to the providing of services by a holder of a certificate of authorization is subject to the same standards of professional conduct and competence in respect of the services and the related practice of professional engineering as if the services were provided or the practice of professional engineering was engaged in by the member of the Association or the holder of the temporary licence.

18.—(1) The Registrar shall issue a temporary licence or a limited licence to a natural person who applies therefor in accordance with the regulations and who meets the requirements and qualifications for the issuance of the temporary licence or the limited licence set out in the regulations, provided that, in the case of a limited licence, the applicant is a Canadian citizen or has the status of a permanent resident of Canada.

(2) The Registrar may refuse to issue or may suspend or revoke a temporary licence or a limited licence where the

Issuance of
licence or
certificate
of
authorization
on direction
of Council

Supervision
by
professional
engineer

Professional
respon-
sibility of
supervising
professional
engineer

Issuance
of temporary
licence or
limited
licence

Grounds for
refusal,
suspension or
revocation

Registrar is of the opinion, upon reasonable and probable grounds,

- (a) that the past conduct of the applicant for or the holder of the temporary licence or the limited licence affords grounds for the belief that the applicant or holder will not engage in the practice of professional engineering in accordance with the law and with honesty and integrity;
- (b) that the holder of the temporary licence or the limited licence does not meet the requirements or the qualifications for the issuance of the temporary licence or the limited licence set out in the regulations; or
- (c) that there has been a breach of a condition of the temporary licence or the limited licence.

(3) Subsections 14 (3) to (6) (which relate to the Academic Requirements Committee and the Experience Requirements Committee) apply with necessary modifications in respect of an applicant for a temporary licence or a limited licence.

Referral
to
committee

(4) Subsection (1) does not apply in respect of a member of the Association or a holder of a certificate of authorization.

Application
of subs. (1)

(5) A holder of a temporary licence or a limited licence is not a member of the Association.

Membership

19.—(1) Where the Registrar proposes,

Hearing
by
Registration
Committee

- (a) to refuse to issue a licence; or
- (b) to refuse to issue, to suspend or to revoke a temporary licence, a limited licence or a certificate of authorization,

the Registrar shall serve notice of his proposal, together with written reasons therefor, on the applicant.

(2) Subsection (1) does not apply in respect of a proposal to refuse to issue a licence, a temporary licence or a limited licence where,

Exceptions

- (a) the Academic Requirements Committee has determined that the applicant has not met the academic requirements set out in the regulations for the issuance of the licence, the temporary licence or the limited licence;

- (b) the Experience Requirements Committee has determined that the applicant has not met the experience requirements set out in the regulations for the issuance of the licence, the temporary licence or the limited licence; or
- (c) the applicant previously held a licence, a certificate of authorization, a temporary licence or a limited licence that was suspended or revoked as a result of a decision of the Discipline Committee.

Notice

(3) A notice under subsection (1) shall state that the applicant is entitled to a hearing by the Registration Committee if the applicant mails or delivers, within thirty days after the notice under subsection (1) is served on the applicant, notice in writing requiring a hearing by the Registration Committee and the applicant may so require such a hearing.

Power of Registrar where no hearing

(4) Where the applicant does not require a hearing by the Registration Committee in accordance with subsection (3), the Registrar may carry out the proposal stated in the notice under subsection (1).

Hearing by Registration Committee

(5) Where an applicant requires a hearing by the Registration Committee in accordance with subsection (3), the Registration Committee shall appoint a time for, give notice of and shall hold the hearing.

Continuation on expiry of committee membership

(6) Where a proceeding is commenced before the Registration Committee and the term of office on the Council or on the committee of a member sitting for the hearing expires or is terminated other than for cause before the proceeding is disposed of but after evidence is heard, the member shall be deemed to remain a member of the Registration Committee for the purpose of completing the disposition of the proceeding in the same manner as if the member's term of office had not expired or been terminated.

Powers of Registration Committee

(7) Following upon a hearing under this section in respect of a proposal by the Registrar, the Registration Committee may, by order,

- (a) where the committee is of the opinion upon reasonable grounds that the applicant meets the requirements and qualifications of this Act and the regulations and will engage in the practice of professional engineering or in the business of providing services that are within the practice of professional engineering with competence and integrity, direct the Registrar to issue a licence, certificate of

authorization, temporary licence or limited licence, as the case may be, to the applicant;

- (b) where the committee is of the opinion upon reasonable grounds that the applicant does not meet the requirements and qualifications of this Act and the regulations,
 - (i) direct the Registrar to refuse to issue a licence, certificate of authorization, temporary licence or limited licence, or to suspend or revoke the certificate of authorization issued to the applicant, as the case may be, or
 - (ii) where the committee is of the opinion upon reasonable grounds that the applicant will engage in the practice of professional engineering with competence and integrity, exempt the applicant from any of the requirements of this Act and the regulations and direct the Registrar to issue a licence, certificate of authorization, temporary licence or limited licence, as the case may be; or
- (c) where the committee is of the opinion upon reasonable grounds that it is necessary in order to ensure that the applicant will engage in the practice of professional engineering or in the business of providing services that are within the practice of professional engineering with competence and integrity, direct the Registrar to issue a licence, certificate of authorization, temporary licence or limited licence, as the case may be, subject to such terms, conditions or limitations as the Registration Committee specifies.

(8) The Registration Committee may extend the time for the giving of notice requiring a hearing by an applicant under this section before or after the expiration of such time where it is satisfied that there are apparent grounds for granting relief to the applicant following upon a hearing and that there are reasonable grounds for applying for the extension, and the Registration Committee may give such directions as it considers proper consequent upon the extension.

Extension
of time for
requiring
hearing

(9) The Registrar and the applicant who has required the hearing are parties to proceedings before the Registration Committee under this section.

Parties

Opportunity
to show
compliance

(10) The applicant shall be given a reasonable opportunity to show or to achieve compliance before the hearing with all lawful requirements for the issue of the licence, the certificate of authorization, the temporary licence or the limited licence.

Examination
of
documentary
evidence

(11) A party to proceedings under this section shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Members
holding
hearing
not to have
taken part
in investi-
gation, etc.

(12) Members of the Registration Committee holding a hearing shall not have taken part before the hearing in any investigation or consideration of the subject-matter of the hearing and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Registration Committee may seek legal advice from an adviser independent from the parties and, in such case, the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

Recording
of evidence

(13) The oral evidence taken before the Registration Committee at a hearing shall be recorded and, if so required, copies of a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Only
members
at hearing
to participate
in decision

(14) No member of the Registration Committee shall participate in a decision of the Registration Committee following upon a hearing unless he or she was present throughout the hearing and heard the evidence and argument of the parties.

Release of
documentary
evidence

(15) Documents and things put in evidence at a hearing shall, upon the request of the person who produced them, be released to the person by the Registration Committee within a reasonable time after the matter in issue has been finally determined.

Applicant

(16) In this section, "applicant" means applicant for a licence or applicant for or holder of a temporary licence, a limited licence or a certificate of authorization.

Fiduciary,
etc.,
relationship
between
corporation
and client

20. A corporation that holds a certificate of authorization has the same rights and is subject to the same obligations in respect of fiduciary, confidential and ethical relationships with each client of the corporation that exist at law between a member of the Association and his client.

21.—(1) The Registrar shall maintain one or more registers in which is entered every person who is licensed under this Act and every holder of a certificate of authorization, temporary licence or limited licence, identifying the terms, conditions and limitations attached to the licence, certificate of authorization, temporary licence or limited licence, and shall note on the register every revocation, suspension and cancellation or termination of a licence, certificate of authorization, temporary licence or limited licence and such other information as the Registration Committee or Discipline Committee directs.

(2) Any person has the right, during normal business hours, to inspect the registers maintained by the Registrar. Inspection

(3) The Registrar shall provide to any person, upon payment of a reasonable charge therefor, a copy of any part of the registers mentioned in subsection (1) maintained by the Registrar. Copies

22.—(1) Every person who is a member of the Association immediately before this Act comes into force shall be deemed to be the holder of a licence and is a member of the Association. Continuation
of
memberships

(2) Every licence or certificate of authorization issued under the *Professional Engineers Act*, being chapter 394 of the Revised Statutes of Ontario, 1980, or a predecessor thereof, and in effect immediately before this Act comes into force continues in the same manner as if issued as a temporary licence or a standard certificate of authorization, as the case requires, under this Act. Continuation
of licences
and
certificates

23.—(1) The Registrar may cancel a licence, certificate of authorization, temporary licence or limited licence for non-payment of any fee prescribed by the regulations or the by-laws after giving the member or the holder of the certificate of authorization, temporary licence or limited licence at least two months notice of the default and intention to cancel, subject to the continuing jurisdiction of the Association in respect of any disciplinary action arising out of his professional conduct while a member or holder. Cancellation
for default
of fees

(2) A person who was a member of the Association or a holder of a certificate of authorization, temporary licence or limited licence whose licence, certificate of authorization, temporary licence or limited licence was cancelled by the Registrar under subsection (1) is entitled to have the licence, certificate of authorization, temporary licence or limited licence Reinstatement

reinstated upon compliance with the requirements and qualifications prescribed by the regulations.

Complaints Committee

24.—(1) The Complaints Committee shall be composed of not fewer than three members of the Association appointed to the Committee by the Council, including at least one member of the Council who was appointed to the Council by the Lieutenant Governor in Council.

Idem

(2) No person who is a member of the Discipline Committee shall be a member of the Complaints Committee.

Chairman

(3) The Council shall name one member of the Complaints Committee to be chairman.

Quorum

(4) Three members of the Complaints Committee, of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council, constitute a quorum.

Duties of Complaints Committee

25.—(1) The Complaints Committee shall consider and investigate complaints made by members of the public or members of the Association regarding the conduct or actions of a member of the Association or holder of a certificate of authorization, a temporary licence or a limited licence, but no action shall be taken by the Committee under subsection (2) unless,

- (a) a written complaint in a form that shall be provided by the Association has been filed with the Registrar and the member or holder whose conduct or actions are being investigated has been notified of the complaint and given at least two weeks in which to submit in writing to the Committee any explanations or representations the member or holder may wish to make concerning the matter; and
- (b) the Committee has examined or has made every reasonable effort to examine all records and other documents relating to the complaint.

Idem

(2) The Committee in accordance with the information it receives may,

- (a) direct that the matter be referred, in whole or in part, to the Discipline Committee;
- (b) direct that the matter not be referred under clause (a); or

(c) take such action as it considers appropriate in the circumstances and that is not inconsistent with this Act or the regulations or by-laws.

(3) The Committee shall give its decision in writing to the Registrar for the purposes of subsection (4) and, where the decision is made under clause (2) (b), its reasons therefor.

Decision
and
reasons

(4) The Registrar shall send to the complainant and to the person complained against by prepaid first class mail a copy of the written decision made by the Complaints Committee and its reasons therefor, if any, together with notice advising the complainant of his right to apply to the Complaints Review Councillor under section 27.

Notice

(5) The Committee is not required to hold a hearing or to afford to any person an opportunity for a hearing or an opportunity to make oral submissions before making a decision or giving a direction under this section.

Hearing

26.—(1) There shall be a Complaints Review Councillor who shall be appointed by and from among the members of the Council appointed by the Lieutenant Governor in Council under clause 3 (2) (c).

Complaints
Review
Councillor

(2) The Complaints Review Councillor is not eligible to be a member of the Complaints Committee or the Fees Mediation Committee.

Idem

27.—(1) The Complaints Review Councillor may examine from time to time the procedures for the treatment of complaints by the Association.

Examination
by
Complaints
Review
Councillor

(2) Where a complaint respecting a member of the Association or a holder of a certificate of authorization, a temporary licence or a limited licence has not been disposed of by the Complaints Committee within ninety days after the complaint is filed with the Registrar, upon application by the complainant or on his own initiative the Complaints Review Councillor may review the treatment of the complaint by the Complaints Committee.

Review
by
Complaints
Review
Councillor

(3) A complainant who is not satisfied with the handling by the Complaints Committee of his complaint to the Committee may apply to the Complaints Review Councillor for a review of the treatment of the complaint after the Committee has disposed of the complaint.

Application
to
Complaints
Review
Councillor

Complaints Review Councillor not to inquire into merit of complaint

Discretionary power of Complaints Review Councillor

(4) In an examination or review in respect of the Association, the Complaints Review Councillor shall not inquire into the merits of any particular complaint made to the Association.

(5) The Complaints Review Councillor in his discretion may decide in a particular case not to make a review or not to continue a review in respect of the Association where,

- (a) the review is or would be in respect of the treatment of a complaint that was disposed of by the Association more than twelve months before the matter came to the attention of the Complaints Review Councillor; or
- (b) in the opinion of the Complaints Review Councillor,
 - (i) the application to the Complaints Review Councillor is frivolous or vexatious or is not made in good faith, or
 - (ii) the person who has made application to the Complaints Review Councillor has not a sufficient personal interest in the subject-matter of the particular complaint.

Notice

(6) Before commencing an examination or review in respect of the Association, the Complaints Review Councillor shall inform the Association of his intention to commence the examination or review.

Office accommodation

(7) The Council shall provide to the Complaints Review Councillor such accommodation and support staff in the offices of the Association as are necessary to the performance of the powers and duties of the Complaints Review Councillor.

Privacy

(8) Every examination or review by the Complaints Review Councillor in respect of the Association shall be conducted in private.

Receipt of information

(9) In conducting an examination or review in respect of the Association, the Complaints Review Councillor may hear or obtain information from any person and may make such inquiries as he thinks fit.

Hearing not required

(10) The Complaints Review Councillor is not required to hold or to afford to any person an opportunity for a hearing in

relation to an examination, review or report in respect of the Association.

(11) Every person who is,

Duty to furnish information

- (a) a member of the Council;
- (b) an officer of the Association;
- (c) a member of a committee of the Association; or
- (d) an employee of the Association,

shall furnish to the Complaints Review Councillor such information regarding any proceedings or procedures of the Association in respect of the treatment of complaints made to the Association as the Complaints Review Councillor from time to time requires, and shall give the Complaints Review Councillor access to all records, reports, files and other papers and things belonging to or under the control of the Association or any of such persons and that relate to the treatment by the Association of complaints or any particular complaint.

(12) The Complaints Review Councillor shall make a report following upon each examination or review by him in respect of the Association.

Report by Complaints Review Councillor

(13) Where the report follows upon an examination of the procedure for the treatment of complaints by the Association, the Complaints Review Councillor shall transmit the report to the Council.

Report following upon examination

(14) Where the report follows upon a review of the treatment of a complaint by the Association, the Complaints Review Councillor shall transmit the report to the Council, to the complainant and to the person complained against.

Report following upon review

(15) The Complaints Review Councillor may transmit a report following upon an examination or review to the Minister where, in the opinion of the Complaints Review Councillor, the report should be brought to the attention of the Minister.

Report to Minister

(16) The Complaints Review Councillor may include in a report following upon an examination or review his recommendations in respect of the procedures of the Association, either generally or with respect to the treatment of a particular complaint.

Recommendations

Consideration
by Council

(17) The Council shall consider each report, and any recommendations included in the report, transmitted to it by the Complaints Review Councillor and shall notify the Complaints Review Councillor of any action it has taken in consequence.

Discipline
Committee

28.—(1) The Discipline Committee shall be composed of,

- (a) at least one person appointed to the Discipline Committee by the Council from among the members of the Council elected to the Council;
- (b) at least one person who is a member of the Association and who is a member of the Council appointed by the Lieutenant Governor in Council; and
- (c) the persons appointed to the Committee by the Council from among the members of the Association who have not less than ten years experience in the practice of professional engineering.

Quorum
and votes

(2) Five members of the Discipline Committee, of whom one shall be a person appointed to the Council by the Lieutenant Governor in Council and one shall be a person elected to the Council, constitute a quorum, and all disciplinary decisions require the vote of a majority of the members of the Discipline Committee present at the meeting.

Disability
of member

(3) Where the Discipline Committee commences a hearing and the member or members thereof who are appointed to the Council by the Lieutenant Governor in Council or who are elected members of the Council become unable to continue to act, the remaining members may complete the hearing notwithstanding the absence of the member or members and may render a decision as effectually as if all members of the Discipline Committee were present throughout the hearing, notwithstanding the absence of a quorum of the Committee.

Chairman

(4) The members of the Discipline Committee shall name one of them to be chairman of the Discipline Committee.

Reference
by Council
or Executive
Committee

(5) The Council or the Executive Committee, by resolution, may direct the Discipline Committee to hold a hearing and determine any allegation of professional misconduct or incompetence on the part of a member of the Association or a holder of a certificate of authorization, a temporary licence or a limited licence specified in the resolution.

Duties of
Discipline
Committee

29.—(1) The Discipline Committee shall,

- (a) when so directed by the Council, the Executive Committee or the Complaints Committee, hear and determine allegations of professional misconduct or incompetence against a member of the Association or a holder of a certificate of authorization, a temporary licence or a limited licence;
- (b) hear and determine matters referred to it under section 25, 28 or 38; and
- (c) perform such other duties as are assigned to it by the Council.

(2) A member of the Association or a holder of a certificate of authorization, a temporary licence or a limited licence may be found guilty of professional misconduct by the Committee if,

Professional misconduct

- (a) the member or holder has been found guilty of an offence relevant to suitability to practise, upon proof of such conviction;
- (b) the member or holder has been guilty in the opinion of the Discipline Committee of professional misconduct as defined in the regulations.

(3) The Discipline Committee may find a member of the Association or a holder of a temporary licence or a limited licence to be incompetent if in its opinion,

Incompetence

- (a) the member or holder has displayed in his professional responsibilities a lack of knowledge, skill or judgment or disregard for the welfare of the public of a nature or to an extent that demonstrates the member or holder is unfit to carry out the responsibilities of a professional engineer; or
- (b) the member or holder is suffering from a physical or mental condition or disorder of a nature and extent making it desirable in the interests of the public or the member or holder that the member or holder no longer be permitted to engage in the practice of professional engineering or that his practice of professional engineering be restricted.

(4) Where the Discipline Committee finds a member of the Association or a holder of a certificate of authorization, a temporary licence or a limited licence guilty of professional misconduct or to be incompetent it may, by order,

Powers of
Discipline
Committee

- (a) revoke the licence of the member or the certificate of authorization, temporary licence or limited licence of the holder;
- (b) suspend the licence of the member or the certificate of authorization, temporary licence or limited licence of the holder for a stated period, not exceeding twenty-four months;
- (c) accept the undertaking of the member or holder to limit the professional work of the member or holder in the practice of professional engineering to the extent specified in the undertaking;
- (d) impose terms, conditions or limitations on the licence or certificate of authorization, temporary licence or limited licence, of the member or holder, including but not limited to the successful completion of a particular course or courses of study, as are specified by the Discipline Committee;
- (e) impose specific restrictions on the licence or certificate of authorization, temporary licence or limited licence, including but not limited to,
 - (i) requiring the member or the holder of the certificate of authorization, temporary licence or limited licence to engage in the practice of professional engineering only under the personal supervision and direction of a member,
 - (ii) requiring the member to not alone engage in the practice of professional engineering,
 - (iii) requiring the member or the holder of the certificate of authorization, temporary licence or limited licence to accept periodic inspections by the Committee or its delegate of documents and records in the possession or under the control of the member or the holder in connection with the practice of professional engineering,
 - (iv) requiring the member or the holder of the certificate of authorization, temporary licence or limited licence to report to the Registrar or to such committee of the Council as the Discipline Committee may specify on such matters in respect of the member's or holder's practice for such period of time, at such times and in

such form, as the Discipline Committee may specify;

- (f) require that the member or the holder of the certificate of authorization, temporary licence or limited licence be reprimanded, admonished or counselled and, if considered warranted, direct that the fact of the reprimand, admonishment or counselling be recorded on the register for a stated or unlimited period of time;
- (g) revoke or suspend for a stated period of time the designation of the member or holder by the Association as a specialist, consulting engineer or otherwise;
- (h) impose such fine as the Discipline Committee considers appropriate, to a maximum of \$5,000, to be paid by the member of the Association or the holder of the certificate of authorization, temporary licence or limited licence to the Treasurer of Ontario for payment into the Consolidated Revenue Fund;
- (i) subject to subsection (5) in respect of orders of revocation or suspension, direct that the finding and the order of the Discipline Committee be published in detail or in summary and either with or without including the name of the member or holder in the official publication of the Association and in such other manner or medium as the Discipline Committee considers appropriate in the particular case;
- (j) fix and impose costs to be paid by the member or the holder to the Association;
- (k) direct that the imposition of a penalty be suspended or postponed for such period and upon such terms or for such purpose, including but not limited to,
 - (i) the successful completion by the member or the holder of the temporary licence or the limited licence of a particular course or courses of study,
 - (ii) the production to the Discipline Committee of evidence satisfactory to it that any physical or mental handicap in respect of which the penalty was imposed has been overcome,

or any combination of them.

Publication
of revocation
or suspension

(5) The Discipline Committee shall cause an order of the Committee revoking or suspending a licence or certificate of authorization, temporary licence or limited licence to be published, with or without the reasons therefor, in the official publication of the Association together with the name of the member or holder of the revoked or suspended licence or certificate of authorization, temporary licence or limited licence.

Publication
on request

(6) The Discipline Committee shall cause a determination by the Committee that an allegation of professional misconduct or incompetence was unfounded to be published in the official publication of the Association, upon the request of the member of the Association or the holder of the certificate of authorization, temporary licence or limited licence against whom the allegation was made.

Costs

(7) Where the Discipline Committee is of the opinion that the commencement of the proceedings was unwarranted, the Committee may order that the Association reimburse the member of the Association or the holder of the certificate of authorization, temporary licence or limited licence for his costs or such portion thereof as the Discipline Committee fixes.

Stay of
decision
on appeal,
incompetence

30.—(1) Where the Discipline Committee revokes, suspends or restricts a licence, temporary licence or limited licence on the grounds of incompetence, the decision takes effect immediately notwithstanding that an appeal is taken from the decision, unless the court to which the appeal is taken otherwise orders, and, where the court is satisfied that it is appropriate in the circumstances, the court may so order.

Stay of
decision
on appeal,
professional
misconduct

(2) Where the Discipline Committee revokes, suspends or restricts a licence or a certificate of authorization, temporary licence or limited licence on grounds other than for incompetence, the order does not take effect until the time for appeal from the order has expired without an appeal being taken or, if taken, the appeal has been disposed of or abandoned, unless the Discipline Committee otherwise orders, and, where the Committee considers that it is appropriate for the protection of the public, the Committee may so order.

Discipline
proceedings,
parties

31.—(1) In proceedings before the Discipline Committee, the Association and the member of the Association or the holder of a certificate of authorization, a temporary licence or a limited licence whose conduct is being investigated in the proceedings are parties to the proceedings.

(2) A member or holder of a certificate of authorization, a temporary licence or a limited licence whose conduct is being investigated in proceedings before the Discipline Committee shall be afforded an opportunity to examine before the hearing any written or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Examination
of
documentary
evidence

(3) Members of the Discipline Committee holding a hearing shall not have taken part before the hearing in any investigation of the subject-matter of the hearing other than as a member of the Council considering the referral of the matter to the Discipline Committee or at a previous hearing of the Committee, and shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representative except upon notice to and opportunity for all parties to participate, but the Committee may seek legal advice from an adviser independent from the parties and, in such case, the nature of the advice shall be made known to the parties in order that they may make submissions as to the law.

Members
holding
hearing
not to have
taken part in
investigation,
etc.

(4) Notwithstanding anything in the *Statutory Powers Procedure Act*, hearings of the Discipline Committee shall be held *in camera*, but, if the party whose conduct is being investigated requests otherwise by a notice delivered to the Registrar before the day fixed for the hearing, the committee shall conduct the hearing in public except where,

In camera
R.S.O. 1980,
c. 484

- (a) matters involving public security may be disclosed;
or
- (b) the possible disclosure of intimate financial or personal matters of a person other than the person whose conduct is being investigated outweighs the desirability of holding the hearing in public.

(5) The oral evidence taken before the Discipline Committee shall be recorded and, if so required, copies of a transcript thereof shall be furnished only to the parties upon the same terms as in the Supreme Court.

Recording
of
evidence

(6) Notwithstanding the *Statutory Powers Procedure Act*, nothing is admissible in evidence before the Discipline Committee that would be inadmissible in a court in a civil case and the findings of the Discipline Committee shall be based exclusively on evidence admitted before it.

Evidence
R.S.O.1980,
c. 484

(7) No member of the Discipline Committee shall participate in a decision of the Committee following upon a hearing

Only
members
at hearing to
participate
in decision

unless he was present throughout the hearing and heard the evidence and argument of the parties.

Release of
documentary
evidence

(8) Documents and things put in evidence at a hearing of the Discipline Committee shall, upon the request of the party who produced them, be returned by the Committee within a reasonable time after the matter in issue has been finally determined.

Continuation
of expiry of
Committee
membership

(9) Where a proceeding is commenced before the Discipline Committee and the term of office on the Council or on the Committee of a member sitting for the hearing expires or is terminated, other than for cause, before the proceeding is disposed of but after evidence has been heard, the member shall be deemed to remain a member of the Discipline Committee for the purpose of completing the disposition of the proceeding in the same manner as if his term of office had not expired or been terminated.

Service of
decision of
Discipline
Committee

(10) Where the Discipline Committee finds a member of the Association or a holder of a certificate of authorization, temporary licence or limited licence guilty of professional misconduct or incompetence, a copy of the decision shall be served upon the person complaining in respect of the conduct or action of the member or holder.

Appeal
to court

32.—(1) A party to proceedings before the Registration Committee or the Discipline Committee may appeal to the Divisional Court, in accordance with the rules of court, from the decision or order of the committee.

Certified
copy of
record

(2) Upon the request of a party desiring to appeal to the Divisional Court and upon payment of the fee therefor, the Registrar shall furnish the party with a certified copy of the record of the proceedings, including the documents received in evidence and the decision or order appealed from.

Powers of
court on
appeal

(3) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the committee appealed from and may exercise all powers of the committee and may direct the committee to take any action which the committee may take and as the court considers proper, and for such purposes the court may substitute its opinion for that of the committee or the court may refer the matter back to the committee for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

33.—(1) No person who is a member of the Complaints Committee or the Discipline Committee shall be a member of the Fees Mediation Committee.

Fees
Mediation
Committee

(2) The Fees Mediation Committee,

Duties of
Fees
Mediation
Committee

- (a) shall, unless the Committee considers it inappropriate to do so, mediate any written complaint by a client of a member of the Association or of a holder of a certificate of authorization, a temporary licence or limited licence in respect of a fee charged for professional engineering services provided to the client; and
- (b) shall perform such other duties as are assigned to it by the Council.

(3) The Fees Mediation Committee, with the written consent of all parties to the dispute, may arbitrate a dispute in respect of a fee between a client and a member of the Association or a holder of a certificate of authorization, temporary licence or limited licence and in that case the decision of the Fees Mediation Committee is final and binding on all parties to the dispute.

Arbitration
by Fees
Mediation
Committee

(4) Where the Fees Mediation Committee acts as arbitrator under subsection (3), the *Arbitrations Act* does not apply.

Application
of
R.S.O. 1980,
c. 25

(5) A decision by the Fees Mediation Committee under subsection (3), exclusive of the reasons therefor, certified by the Registrar, may be filed with the Supreme Court or a county or district court and when filed the decision may be enforced in the same manner as a judgment of the court.

Enforcement

34.—(1) Where the Registrar believes on reasonable and probable grounds that a member of the Association or a holder of a certificate of authorization, a temporary licence or limited licence has committed an act of professional misconduct or incompetence or that there is cause to refuse to issue or to suspend or revoke a certificate of authorization, the Registrar by order may appoint one or more persons to investigate whether such act has occurred or there is such cause, and the person or persons appointed shall report the result of the investigation to the Registrar.

Registrar's
investigation

(2) For purposes relevant to the subject-matter of an investigation under this section, the person appointed to make the investigation may inquire into and examine the practice of the member or holder of the certificate of authorization, temporary licence or limited licence in respect of whom the investi-

Powers of
investigator

R.S.O. 1980,
c. 411

gation is being made and may, upon production of his appointment, enter at any reasonable time the business premises of the member or holder and examine books, records, documents and things relevant to the subject-matter of the investigation and, for the purposes of the inquiry, the person making the investigation has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to such inquiry as if it were an inquiry under that Act.

Obstruction
of
investigator

(3) No person shall obstruct a person appointed to make an investigation under this section or withhold from him or conceal or destroy any books, records, documents or things relevant to the subject-matter of the investigation.

Order by
provincial
judge

(4) Where a provincial judge is satisfied on evidence upon oath,

- (a) that the Registrar had grounds for appointing and by order has appointed one or more persons to make an investigation; and
- (b) that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, records, documents or things relating to the member of the Association or holder of a certificate of authorization, a temporary licence or a limited licence whose affairs are being investigated and to the subject-matter of the investigation,

the provincial judge may issue an order authorizing the person or persons making the investigation, together with such police officer or officers as they call upon to assist them, to enter and search, by force if necessary, such building, dwelling, receptacle or place for such books, records, documents or things and to examine them.

Execution of
order

(5) An order issued under subsection (4) shall be executed at reasonable times as specified in the order.

Expiry of
order

(6) An order issued under subsection (4) shall state the date on which it expires, which shall be a date not later than fifteen days after the order is issued.

Ex parte
application

(7) A provincial judge may receive and consider an application for an order under subsection (4) without notice to and in the absence of the member of the Association or holder of a certificate of authorization, temporary licence or a limited licence whose affairs are being investigated.

(8) Any person making an investigation under this section may, upon giving a receipt therefor, remove any books, records, documents or things examined under this section relating to the member or holder whose practice is being investigated and to the subject-matter of the investigation for the purpose of making copies of such books, records or documents, but such copying shall be carried out with reasonable dispatch and the books, records or documents in question shall be promptly thereafter returned to the member or holder whose practice is being investigated.

Removal of
books, etc.

(9) Any copy made as provided in subsection (8) and certified to be a true copy by the person making the investigation is admissible in evidence in any action, proceeding or prosecution as proof in the absence of evidence to the contrary of the original book, record or document and its contents.

Admissibility
of copies

(10) The Registrar shall report the results of the investigation to the Council or such committee as the Registrar considers appropriate.

Report of
Registrar

35. It is a condition of every certificate of authorization that the holder of the certificate shall not offer or provide to the public services that are within the practice of professional engineering unless the holder is insured in respect of professional liability in accordance with the regulations.

Liability
insurance

36.—(1) In this section, “insurer” means a person offering insurance in respect of liability incurred in the practice of professional engineering.

Interpretation

(2) Upon the request of the Registrar, an insurer shall furnish to the Registrar all documents that relate to a claim for indemnity in respect of the practice of professional engineering and that are in the possession or under the control of the insurer and have been prepared by a professional engineer and relate to engineering matters.

Information
re insurance
claims

(3) Subsection (2) does not apply in respect of a document prepared by an insured person related to a claim for indemnity in respect of the practice of professional engineering by the insured person.

Exception

(4) The Registrar may forward any information referred to in subsection (2) to the Council or to such committee as the Registrar considers appropriate.

Transmittal
of
information

37. Where a licence, certificate of authorization, temporary licence or limited licence is revoked or cancelled, the former holder thereof shall forthwith deliver the licence, certi-

Surrender of
revoked
licence or
certificate

ficate of authorization, temporary licence or limited licence and related seal to the Registrar.

Application for licence,
etc., after revocation

38.—(1) A person whose licence, certificate of authorization, temporary licence or limited licence has been revoked for cause under this Act, or whose membership has been cancelled for cause under a predecessor of this Act, may apply in writing to the Registrar for the issuance of a licence, certificate of authorization, temporary licence or limited licence, but such application shall not be made sooner than two years after the revocation.

Removal of suspension

(2) A person whose licence, certificate of authorization, temporary licence or limited licence has been suspended for cause under this Act, or whose membership has been suspended for cause under a predecessor of this Act, may apply in writing to the Registrar for the removal of the suspension, but, where the suspension is for more than one year, the application shall not be made sooner than one year after the commencement of the suspension.

Reference to Discipline Committee

(3) The Registrar shall refer an application under subsection (1) or (2) in respect of a licence or a certificate of authorization, a temporary licence or a limited licence to the Discipline Committee which shall hold a hearing respecting and decide upon the application, and shall report its decision and reasons to the Council and the applicant.

Procedures

(4) The provisions of this Act applying to hearings by the Registration Committee, except section 32, apply with necessary modifications to proceedings of the Discipline Committee or the Registration Committee under this section.

Confidentiality

39.—(1) Every person engaged in the administration of this Act, including any person making an examination or review under section 27 or an investigation under section 34, shall preserve secrecy with respect to all matters that come to his knowledge in the course of his duties, employment, examination, review or investigation and shall not communicate any such matters to any other person except,

- (a) as may be required in connection with the administration of,
 - (i) this Act and the regulations and by-laws, or
 - (ii) the *Architects Act, 1984* and the regulations and by-laws under that Act,
- or any proceedings under,

- (iii) this Act or the regulations, or
- (iv) the *Architects Act, 1984* or the regulations under that Act;
- (b) to his counsel; or
- (c) with the consent of the person to whom the information relates.

(2) No person to whom subsection (1) applies shall be required to give testimony or to produce any book, record, document or thing in any action or proceeding with regard to information obtained by him in the course of his duties, employment, examination, review or investigation except in a proceeding under this Act or the regulations or by-laws or a proceeding under the *Architects Act, 1984* or the regulations or by-laws under that Act.

Testimony
in civil
action

40.—(1) Where it appears to the Association that any person does not comply with any provision of this Act or the regulations, notwithstanding the imposition of any penalty in respect of such non-compliance and in addition to any other rights it may have, the Association may apply to a judge of the High Court for an order directing the person to comply with the provision, and upon the application the judge may make the order or such other order as the judge thinks fit.

Order
directing
compliance

(2) An appeal lies to the Court of Appeal from an order made under subsection (1).

Appeal

41.—(1) Every person who contravenes section 12 is guilty of an offence and on conviction is liable for the first offence to a fine of not more than \$15,000 and for each subsequent offence to a fine of not more than \$30,000.

Penalties

(2) Every person who is not a holder of a licence or a temporary licence and who,

Idem,
use of term
“professional
engineer”,
etc.

- (a) uses the title “professional engineer” or an abbreviation or variation thereof as an occupational or business designation;
- (b) uses a term, title or description that will lead to the belief that the person may engage in the practice of professional engineering; or
- (c) uses a seal that will lead to the belief that the person is a professional engineer,

is guilty of an offence and on conviction is liable for the first offence to a fine of not more than \$5,000 and for each subsequent offence to a fine of not more than \$15,000.

Idem,
services of
professional
engineer

(3) Every person who is not acting under and in accordance with a certificate of authorization and who,

- (a) uses a term, title or description that will lead to the belief that the person may provide to the public services that are within the practice of professional engineering; or
- (b) uses a seal that will lead to the belief that the person may provide to the public services that are within the practice of professional engineering,

is guilty of an offence and on conviction is liable for the first offence to a fine of not more than \$5,000 and for each subsequent offence to a fine of not more than \$15,000.

Idem

(4) Any person who obstructs a person appointed to make an investigation under section 34 in the course of his or her duties is guilty of an offence and on conviction is liable to a fine of not more than \$5,000.

Idem,
director or
officer of
corporation

(5) Where a corporation is guilty of an offence under subsection (1), (2), (3) or (4), every director or officer of the corporation who authorizes, permits or acquiesces in the offence is guilty of an offence and on conviction is liable to a fine of not more than \$30,000.

Idem,
partner

(6) Where a person who is guilty of an offence under subsection (1), (2), (3) or (4) is a member or an employee of a partnership, every member of the partnership who authorizes, permits or acquiesces in the offence is guilty of an offence and on conviction is liable to a fine of not more than \$30,000.

Limitation

(7) Proceedings shall not be commenced in respect of an offence under subsection (1), (2), (3), (4), (5) or (6) after two years after the date on which the offence was, or is alleged to have been, committed.

Application
of subs. (2)

(8) Subsection (2) does not apply to a holder of a limited licence who uses a term, title or description authorized or permitted by the regulations.

Falsification
of
documents

42.—(1) Any person who makes or causes to be made a wilful falsification in a matter relating to a register or issues a false licence, certificate, temporary licence, limited licence or

document with respect to registration is guilty of an offence and on conviction is liable to a fine of not more than \$5,000.

(2) Every person who wilfully procures or attempts to procure the issuance of a licence, a certificate of authorization, a temporary licence or a limited licence under this Act by knowingly making a false representation or declaration or by making a fraudulent representation or declaration, either orally or in writing, is guilty of an offence and on conviction is liable to a fine of not more than \$5,000, and every person knowingly aiding and assisting such person therein is guilty of an offence and on conviction is liable to a fine of not more than \$5,000.

Offences
for false
representation

(3) Proceedings to obtain a conviction for an offence under subsection (1) or (2) shall not be commenced after the expiration of six months after the date on which the offence was, or is alleged to have been, committed.

Limitation
period

43. Where licensing or the holding of a certificate of authorization, a temporary licence or a limited licence or acting under and in accordance with a certificate of authorization under this Act is required to permit the lawful doing of an act or thing, if in any prosecution it is proven that the defendant has done the act or thing, the burden of proving that he was so licensed or that he held a subsisting certificate of authorization, temporary licence or limited licence or that he acted under and in accordance with a certificate of authorization under this Act rests upon the defendant.

Onus of
proof
respecting
licensing

44.—(1) A notice or document under this Act or the regulations is sufficiently given, served or delivered if delivered personally or by mail.

Service
of notice
or document

(2) Where a notice or document under this Act or the regulations is sent to a person by mail addressed to the person at the last address of the person in the records of the Association, there is a rebuttable presumption that the notice or document is delivered to the person on the tenth day after the day of mailing.

Idem

45. Any statement containing information from the records required to be kept by the Registrar under this Act, purporting to be certified by the Registrar under the seal of the Association, is admissible in evidence in all courts as proof in the absence of evidence to the contrary of the facts stated therein without proof of the appointment or signature of the Registrar and without proof of the seal.

Registrar's
certificate
as evidence

46.—(1) No action or other proceeding for damages shall be instituted against the Association, a committee of the

Immunity of
Association

Association or a member of the Association or committee of the Association, or an officer, employee, agent or appointee of the Association for any act done in good faith in the performance or intended performance of a duty or in the exercise or the intended exercise of a power under this Act, a regulation or a by-law, or for any neglect or default in the performance or exercise in good faith of such duty or power.

Councillor indemnified in suits respecting execution of his office

(2) Every member of the Council, a committee of the Association and every officer and employee of the Association, and his heirs, executors and administrators, and estate and effects, respectively, may, with the consent of the Association, given by the members of the Association, from time to time and at all times, be indemnified and saved harmless out of the funds of the Association, from and against,

- (a) all costs, charges and expenses whatsoever that he sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against him, for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by him, in or about the execution of the duties of his office; and
- (b) all other costs, charges and expenses that he sustains or incurs in or about or in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by his own wilful neglect or default.

Limitation of action

47.—(1) Proceedings shall not be commenced against a member of the Association or a holder of a certificate of authorization, a temporary licence or a limited licence for damages arising from the provision of a service that is within the practice of professional engineering after twelve months after the date on which the service was, or ought to have been, performed.

Extension of time

(2) The court in which an action mentioned in subsection (1) has been or may be brought may extend the limitation period specified in subsection (1) before or after the expiration of the period if the court is satisfied that there are apparent grounds for the proceedings and that there are reasonable grounds for applying for the extension.

Application

(3) Subsections (1) and (2) do not apply to proceedings under any other section of this Act.

Joint Practice Board

48.—(1) The Council shall appoint to the Joint Practice Board (composed of a chairman, three members representing

the Ontario Association of Architects and three members representing the Association of Professional Engineers of Ontario) the three members of the Joint Practice Board representing the Association and shall prescribe the term of each appointment.

(2) The Joint Practice Board may recommend to the Council that the Council direct the Registrar to issue a licence or a certificate of authorization to a holder of a certificate of practice issued under the *Architects Act, 1984*.

Recommendation

1984, c. 12

(3) The Council, upon the recommendation of the Joint Practice Board, may direct the Registrar to issue a licence or a certificate of authorization to a holder of a certificate of practice under the *Architects Act, 1984* and, if the Council does not direct the issuance of the licence or the certificate of authorization, the Council shall give its reasons therefor in writing to the Joint Practice Board and to the applicant for the licence or the certificate of authorization.

Direction by Council

(4) Where a dispute arises between an architect and a professional engineer or a holder of a certificate of authorization as to jurisdiction in respect of professional services, the Registrar may refer the matter to the Joint Practice Board and the Joint Practice Board shall consider the matter and assist the architect and the professional engineer or the holder of the certificate of authorization to resolve the dispute in accordance with the rules in section 12.

Referral of dispute to Joint Practice Board

(5) Proceedings shall not be commenced under this Act in respect of a matter mentioned in subsection (4) except upon the certificate of the chairman of the Joint Practice Board that the Board has considered the matter and has been unable to resolve the dispute.

Commencement of proceedings

(6) The certificate of the chairman is admissible in evidence in all courts as proof in the absence of evidence to the contrary of the facts stated therein without proof of the appointment or signature of the chairman.

Certificate

49.—(1) The Council shall make a report annually to the Minister containing such information as the Minister requires.

Annual report

(2) The Minister shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Idem

50.—(1) The *Corporations Act* does not apply in respect of the Association except for the following sections of that

Application of R.S.O. 1980, c. 95

Act which shall apply with necessary modifications in respect of the Association:

1. Section 81 (which relates to liability for wages).
2. Section 94 (which relates to auditors) and, for the purpose, the Minister shall be deemed to be the Minister referred to in the section.
3. Subsection 95 (1) (which relates to the auditor's qualifications) and, for the purpose, the subsection shall be deemed not to include,
 - i. the exception as provided in subsection 95 (2), and
 - ii. the reference to an affiliated company.
4. Section 96 (which relates to the auditor's functions).
5. Subsection 97 (1), exclusive of clause 97 (1) (b), (which relates to the auditor's report) and, for the purpose, the Association shall be deemed to be a private company.
6. Subsection 97 (3) (which relates to the auditor's report).
7. Section 122 (which relates to the liability of members).
8. Section 276 (which relates to the holding of land) and, for the purpose, the Minister shall be deemed to be the Minister referred to in the section.
9. Section 280 (which relates to making contracts).
10. Section 281 (which relates to power of attorney).
11. Section 282 (which relates to authentication of documents) except in respect of information from the records required to be kept by the Registrar.
12. Section 292 (which relates to validity of acts of directors).
13. Section 297 (which relates to directions by a court as to holding a meeting).
14. Section 299 (which relates to minutes of meetings).

15. Section 302 (which relates to books of account).
16. Section 303 (which relates to untrue entries) and, for the purpose, the section shall be deemed not to refer to section 41 of that Act.
17. Section 304 (which relates to the place of keeping and the inspection of records) and, for the purpose,
 - i. the section shall be deemed not to refer to sections 41 and 43 of that Act, and
 - ii. the Minister shall be deemed to be the Minister referred to in the section.
18. Section 305 (which relates to inspection of records) and, for the purpose, the section shall be deemed not to refer to section 41 of that Act.
19. Section 310 (which relates to investigations and audits).
20. Section 323 (which relates to evidence of by-laws and certificates of amounts due).
21. Section 329 (which relates to removal of proceedings into the Supreme Court).
22. Section 330 (which relates to appeals).
23. Section 331 (which relates to untrue statements) and, for the purpose,
 - i. the section shall be deemed not to refer to regulations made under that Act, and
 - ii. the Minister and the Deputy Minister to the Minister shall be deemed to be the Minister and the Deputy Minister referred to in the section.
24. Section 333 (which relates to orders by the court) and, for the purpose, the section shall be deemed not to refer to creditors.

(2) For the purposes of subsection (1), a member of the ^{Interpretation} Association shall be deemed to be a shareholder.

51.—(1) The *Professional Engineers Act*, being chapter ^{Repeal} 394 of the Revised Statutes of Ontario, 1980, is repealed.

References
R.S.O.1980,
c. 394

(2) Any reference in any Act or regulation to the *Professional Engineers Act* shall be deemed to be a reference to this Act.

Idem

(3) Any reference in any Act or regulation to a professional engineer as a member of the Association under the *Professional Engineers Act* shall be deemed to be a reference to a professional engineer licensed under this Act.

Commencement

52. This Act comes into force on a day to be named by proclamation of the Lieutenant Governor.

Short title

53. The short title of this Act is the *Professional Engineers Act, 1984*.

Bill 125

*(Chapter 42
Statutes of Ontario, 1984)*

**An Act respecting Labour Disputes between
the Toronto Transit Commission
and GO Transit and Locals 113 and 1587,
Amalgamated Transit Union, Lodge 235,
International Association of Machinists and
Aerospace Workers and the Canadian Union of
Public Employees, Local No. 2**

The Hon. R. H. Ramsay
Minister of Labour

<i>1st Reading</i>	August 29th, 1984
<i>2nd Reading</i>	August 29th, 1984
<i>3rd Reading</i>	August 29th, 1984
<i>Royal Assent</i>	August 29th, 1984

Ronald L. Cook
**CLERK
LEGISLATIVE ASSEMBLY**

REGISTRY LIBRARIES
CITY

Bill 125

1984

**An Act respecting Labour Disputes between
the Toronto Transit Commission
and GO Transit and Locals 113 and 1587,
Amalgamated Transit Union, Lodge 235,
International Association of Machinists and
Aerospace Workers and the Canadian Union of
Public Employees, Local No. 2**

Whereas the Toronto Transit Commission and Local 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers and the Canadian Union of Public Employees, Local No. 2, have been parties to collective agreements, all of which have expired; and whereas the parties have bargained for new collective agreements and to that end have exhausted conciliation services under the *Labour Relations Act*; and whereas the parties have not achieved a settlement of the disputes; and whereas strikes by the unions against the employer would cause a cessation of the operation of public transportation facilities, rendering travel difficult and endangering the public safety; and whereas the public interest and welfare require that means be provided to avert the strikes and to settle all matters that are in dispute between the parties in order that new collective agreements may be concluded between the parties; and whereas the matters in dispute between the Toronto Transit Commission, Gray Coach Lines, Limited and Local 113, Amalgamated Transit Union are affected by related negotiations between GO Transit and Local 1587, Amalgamated Transit Union under the *Crown Employees Collective Bargaining Act* because of the intended transfer of routes from Gray Coach Lines, Limited to GO Transit;

Preamble

R.S.O. 1980,
c. 228R.S.O. 1980,
c. 108

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

PART I

1.—(1) In this Part,

Interpretation

- (a) "employer" means the Toronto Transit Commission;
- (b) "expiry date" means, in the case of the collective agreement between the Toronto Transit Commission and,
 - (i) Local 113, Amalgamated Transit Union, the 30th day of June, 1984,
 - (ii) Lodge 235, International Association of Machinists and Aerospace Workers, the 31st day of March, 1984, and
 - (iii) the Canadian Union of Public Employees, Local No. 2, the 31st day of March, 1984;
- (c) "Minister" means the Minister of Labour;
- (d) "parties" means the employer and the unions;
- (e) "unions" means Local 113, Amalgamated Transit Union, Lodge 235, International Association of Machinists and Aerospace Workers, and the Canadian Union of Public Employees, Local No. 2 or any one of them.

Idem
R.S.O. 1980,
c. 228

(2) Unless a contrary intention appears, expressions used in this Part have the same meaning as in the *Labour Relations Act*.

Application
of Act

2.—(1) This Part applies to the parties and to the employees of the employer on whose behalf the unions are entitled to bargain with the employer under the *Labour Relations Act*.

Application
of
R.S.O. 1980,
c. 228

(2) Except as modified by this Part, the *Labour Relations Act* applies to the parties and to the employees mentioned in subsection (1).

Appointment
of arbitrator

3.—(1) The Lieutenant Governor in Council shall, upon the advice of the Minister, appoint an arbitrator to examine and decide upon the matters referred to in section 4.

Replacement
of arbitrator

(2) Where the arbitrator is unable to take up or to carry on his or her duties so as to enable him or her to render a decision within the period of time mentioned in subsection 4 (4), the Lieutenant Governor in Council shall, upon the advice of the Minister, appoint another person to act as arbitrator and the inquiry shall begin anew.

(3) The arbitrator shall determine his or her own procedure, but shall give full opportunity to the employer and the unions to present their evidence and make their submissions.

Procedure

(4) The arbitrator has all the powers of an arbitrator under the *Labour Relations Act*.

Powers of arbitrator

R.S.O. 1980,
c. 228

Duty of arbitrator

4.—(1) The arbitrator shall examine and decide all matters remaining in dispute between the employer and the unions immediately before the coming into force of this Act, including any matter that may be a subject of dispute as to agreement thereon and any other matters that appear to the arbitrator to be necessary to be decided in order to conclude collective agreements between the parties.

(2) The arbitrator shall remain seized of and may deal with all matters within the arbitrator's jurisdiction until collective agreements between the employer and the unions are in effect.

Arbitrator to remain seized of matters in dispute

(3) Where, before or during the proceedings before the arbitrator, the employer and the unions agree upon some matters to be included in the collective agreements and they so notify the arbitrator in writing, the arbitrator's decision shall be confined to,

Agreement upon some matters

(a) the matters not agreed upon between the employer and the unions; and

(b) any further matters that the employer and the unions agree should be decided by the arbitrator or that appear to the arbitrator to be necessary to be decided in order to conclude the collective agreements.

(4) The arbitrator's decision shall be made within forty-five days after the date of appointment or within such further period of time as the Minister may permit.

Decision of arbitrator

5.—(1) The arbitrator's decision shall be binding upon the employer and the unions and the employees on whose behalf the unions are entitled to bargain with the employer under the *Labour Relations Act*.

Decision binding

R.S.O. 1980,
c. 228

(2) Within seven days of the date of the arbitrator's decision or such longer period as may be agreed upon in writing by the parties, the parties shall prepare and execute documents giving effect to the arbitrator's decision and any agreement of the parties, and the documents thereupon constitute collective agreements.

Execution of agreement

Preparation
of agreement
by arbitrator

(3) If the parties fail to prepare and execute documents in the form of collective agreements giving effect to the arbitrator's decision and any agreement of the parties within the period mentioned in subsection (2), they shall notify the arbitrator in writing forthwith, and the arbitrator shall prepare documents in the form of collective agreements giving effect to the decision and any agreement of the parties and submit the documents to the parties for execution.

Failure to
execute
agreement

(4) If the parties or any of them fail to execute the documents prepared by the arbitrator within a period of seven days from the day the arbitrator submits the documents to them, the documents shall come into effect as though they had been executed by the parties and the documents thereupon constitute collective agreements.

R.S.O. 1980,
cc. 25, 484
not
to apply

6. The *Arbitrations Act* and Part I of the *Statutory Powers Procedure Act* do not apply to the arbitration and the arbitrator's decision under this Part.

Hourly rates
of wages:
interim
increase

7. The basic hourly rates of wages for employees to whom this Part applies are hereby increased by 5 per cent over the basic hourly wage rates in effect on the expiry date, retroactive in each case to the day immediately following the expiry date, but the final basic hourly wage rates for the terms of the collective agreements shall be determined by the arbitrator.

No strike
or lock-out,
etc.

8.—(1) Upon the coming into force of this Part,

- (a) the unions and the employer shall not call or threaten to call a strike or lock-out;
- (b) no employee, member, officer, official or agent of the employer or the unions or of any one of them shall engage in, declare, threaten, authorize or acquiesce in a strike, lock-out or picketing; and
- (c) no person shall counsel, procure, support or encourage a strike, lock-out or picketing contrary to this Part and no person shall do any act if the person knows or ought to know that, as a probable and reasonable consequence of the act, another person or persons will engage in a strike or lock-out contrary to this Part.

Terms of
employment
not to be
altered

(2) Upon the coming into force of this Part, the employers shall not, except with the unions' consent, alter the rates of wages of the employees as increased by this Part, or any other term or condition of employment, or any right, privilege or

duty of the unions or the employees, that were in operation on the expiry date.

(3) Upon the coming into force of this Part, the unions shall not, except with the employer's consent, alter any term or condition of employment or any right, privilege or duty of the employer, the unions or the employees, that were in operation on the expiry date. Idem

(4) Any difference between the parties as to whether or not subsections (2) and (3) have been complied with may be referred to arbitration by the parties or any of them as if the collective agreements were still in operation, and sections 44 and 45 of the *Labour Relations Act* apply to the arbitration with necessary modifications. Compliance with subss. (2, 3)

9. Sections 92, 93, 94, 95, 97, 98, 99 and 100 of the *Labour Relations Act* apply to the parties and to the employees mentioned in subsection 2 (1) with necessary modifications. R.S.O. 1980, c. 228

10.—(1) A person or union who contravenes any provision of this Part is guilty of an offence and on summary conviction is liable, Penalty

- (a) if an individual, to a fine of not more than \$1,000; or
- (b) if a corporation or trade union, to a fine of not more than \$10,000.

(2) Each day that a person or union contravenes any provision of this Part constitutes a separate offence. Continued offences

11.—(1) No prosecution for an offence under this Part shall be instituted except with the written consent of the Minister. Consent

(2) Section 101 of the *Labour Relations Act* does not apply to a prosecution for an offence under this Part. R.S.O. 1980, c. 228, s. 101 not to apply

(3) In a prosecution for an offence under this Part, a copy of a consent purporting to have been signed by the Minister is sufficient evidence of the Minister's consent without proof of the signature. Evidence of consent

12. The employer and the unions shall assume their own costs of the proceedings under this Part, and the remuneration and expense of the arbitrator shall be paid out of the Consolidated Revenue Fund. Costs

PART II

Interpretation
R.S.O. 1980,
c. 505

13.—(1) In this Part, “GO Transit” means the Toronto Area Transit Operating Authority continued by the *Toronto Area Transit Operating Authority Act*.

Items
incorporated
in collective
agreement

R.S.O. 1980,
c. 108

(2) Any collective agreement made between GO Transit and Local 1587, Amalgamated Transit Union under the *Crown Employees Collective Bargaining Act* shall be deemed to contain items 2 to 10, both inclusive, of Appendix R to the Memorandum of Agreement between the Toronto Transit Commission, Gray Coach Lines, Limited and Local 113, Amalgamated Transit Union, dated the 3rd day of August, 1984, as amended by item 1 of the Supplementary Memorandum of Settlement between GO Transit and Locals 113 and 1587, Amalgamated Transit Union, dated the 17th day of August, 1984.

Crown
bound

(3) This Part binds the Crown.

Commencement

14.—(1) This Act comes into force on the day it receives Royal Assent.

Repeal

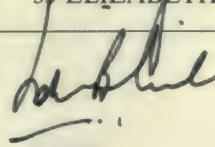
(2) Part I is repealed on the day on which the last of the collective agreements made under Part I comes into operation.

Idem

(3) Part II is repealed on a day to be named by proclamation of the Lieutenant Governor.

Short title

15. The short title of this Act is the *Toronto Transit Commission, Gray Coach Lines, Limited and GO Transit Labour Disputes Settlement Act, 1984*.



Bill 129

(*Chapter 49
Statutes of Ontario, 1984*)

An Act to amend the Assessment Act

The Hon. B. Gregory
Minister of Revenue

<i>1st Reading</i>	November 6th, 1984
<i>2nd Reading</i>	November 20th, 1984
<i>3rd Reading</i>	November 23rd, 1984
<i>Royal Assent</i>	November 27th, 1984



Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY

2000
JANUARY 15, 2003

Bill 129 *An Act to amend the Assessment Act* **1984****An Act to amend the Assessment Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 63 (1) of the *Assessment Act*, being chapter 31 of the Revised Statutes of Ontario, 1980, as amended by the Statutes of Ontario, 1981, chapter 47, section 13, 1982, chapter 56, section 4 and 1983, chapter 58, section 4, is further amended,

- (a) **by striking out "and" at the end of clause (i);**
- (b) **by adding "and" at the end of clause (j);**
- (c) **by striking out all that part of the subsection immediately following clause (j) and inserting in lieu thereof:**
 - (k) subject to subsection (2) and to subsection 65 (3), the assessment roll of a municipality to be returned in the year 1984 shall be the assessment of all real property as set forth in the assessment roll returned for the year 1983 for taxation in the year 1984 as amended, added to or otherwise altered up to the date when the assessment roll for taxation in the year 1985 is returned,

provided that, where the assessor is of the opinion that an assessment to be shown on the assessment roll to be returned for the years 1974 to and including 1984 is inequitable with respect to the assessment of similar real property in the vicinity, the assessor may alter the value of the assessment to the extent necessary to make the assessment equitable with the assessment of such similar real property.

2. Section 68 of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 58, section 5, is repealed and the following substituted therefor:

Application

68. Section 65 ceases to be in force on the 17th day of December, 1985, but shall continue in force for the purpose of any pending complaint, appeal, proceeding or action that will affect taxes for the years 1971 to and including 1985.

3. Section 69 of the said Act, as re-enacted by the Statutes of Ontario, 1983, chapter 58, section 6, is repealed and the following substituted therefor:

Application

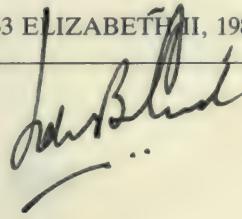
69. Subject to section 70, subsection 24 (6) is not in force and remains inoperative until the 1st day of January, 1985.

Commencement

4. This Act comes into force on the 1st day of December, 1984.

Short title

5. The short title of this Act is the *Assessment Amendment Act, 1984*.



Bill 130

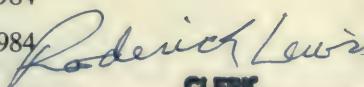
*(Chapter 43
Statutes of Ontario, 1984)*

An Act respecting a Labour Dispute between the Ontario Public Service Employees Union and the Ontario Council of Regents for Colleges of Applied Arts and Technology and the Boards of Governors of Colleges of Applied Arts and Technology

The Hon. B. Stephenson

Minister of Education and Minister of Colleges and Universities

<i>1st Reading</i>	November 8th, 1984
<i>2nd Reading</i>	November 9th, 1984
<i>3rd Reading</i>	November 9th, 1984
<i>Royal Assent</i>	November 9th, 1984



Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY

CLERK
REGISTRARIAL ABERRANCY

Bill 130**1984**

**An Act respecting a Labour Dispute between
the Ontario Public Service Employees Union
and the Ontario Council of Regents for
Colleges of Applied Arts and Technology
and the Boards of Governors of
Colleges of Applied Arts and Technology**

Whereas the Ontario Council of Regents for Colleges of Applied Arts and Technology and the Ontario Public Service Employees Union have been parties to an agreement in respect of the academic staff bargaining unit of employees of colleges of applied arts and technology that expired on the 31st day of August, 1984, and have been negotiating terms and conditions of employment for the employees; and whereas a strike by the employees against the Ontario Council of Regents for Colleges of Applied Arts and Technology and the boards of governors of the colleges of applied arts and technology has been in effect since the 17th day of October, 1984; and whereas the Ontario Council of Regents for Colleges of Applied Arts and Technology and the Ontario Public Service Employees Union, on behalf of the employees, have been unable to make an agreement as to the terms and conditions of employment; and whereas the College Relations Commission has advised the Lieutenant Governor in Council that the continuance of the strike will place in jeopardy the successful completion of courses of study by the students affected by the strike; and whereas the public interest, and in particular the interest of students, requires that all members of the academic staff bargaining unit of employees of colleges of applied arts and technology return to and resume their duties and that means be provided to bring the strike to an end and to settle all matters that are in dispute between the parties, other than instructional assignments, in order that a new collective agreement may be concluded between the parties;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

R.S.O. 1980,
c. 74**1.** In this Act,

- (a) "agreement" has the same meaning as in the *Colleges Collective Bargaining Act*;
- (b) "Council" means the Council of Regents of Colleges of Applied Arts and Technology;
- (c) "employees" means the persons employed by one of the employers in a position or classification that is within the academic staff bargaining unit set out in Schedule 1 to the *Colleges Collective Bargaining Act*;
- (d) "employer" means a board of governors of a college of applied arts and technology;
- (e) "lock-out" has the same meaning as in the *Colleges Collective Bargaining Act*;
- (f) "Minister" means Minister of Colleges and Universities;
- (g) "parties" means the Union and the Council;
- (h) "strike" has the same meaning as in the *Colleges Collective Bargaining Act*;
- (i) "Union" means the Ontario Public Service Employees Union.

2.—(1) Upon the coming into force of this Act,Strike
terminated

- (a) the strike shall be terminated immediately by the Union and the employees;

Employees
to return
to work

- (b) every employee shall report for work and shall perform the duties assigned by the employer including duties assigned by mutual consent in order to afford students the opportunity to complete courses of study affected by the strike;

Resumption
of
operations

- (c) the employers shall operate and continue to operate the colleges of applied arts and technology; and

No strike
or lock-out

- (d) no person, employee or officer, official or agent of an employer, the Council or the Union shall engage in, declare, authorize, counsel, threaten or acquiesce in a lock-out, strike or any similar activity.

(2) The agreement between the parties that was in effect on the 31st day of August, 1984 shall be in force from and including the day this Act comes into force as varied by or under this Act.

Agreement
continued

(3) Nothing in this Act precludes an employee from not returning to and resuming his duties with his employer for reasons of health or by mutual consent in writing of the employee and the employer.

Exception

3.—(1) The salaries and rates of wages set out in the salary schedules for teaching masters and counsellors, instructors, librarians and partial-load employees set out in the appendices to the agreement between the parties that expired on the 31st day of August, 1984 are hereby increased to the salaries and rates of wages set out in the Schedule to this Act retroactive in each case to the 1st day of September, 1984 and the decision of the arbitrator shall include such increases, but, subject to subsection (2), nothing in this section prevents the arbitrator from granting increases in excess of those established in this section.

Salaries
and rates
of wages

(2) For each employee, the salary in the Schedule to this Act shall be reduced by 1/261 for each working day from and including the 17th day of October, 1984 to the date on which this Act comes into force and by the amounts received by the employee with respect to the period from and including the 1st day of September, 1984 to and including the 16th day of October, 1984, but this subsection does not apply to partial-load employees.

Adjustments

4.—(1) Consistent with the spirit of section 23 of the *Colleges Collective Bargaining Act*, the Lieutenant Governor in Council shall, upon the advice of the Minister, appoint an arbitrator to examine into and decide upon the matters referred to in section 5.

Appointment
of
arbitrator
R.S.O. 1970,
c. 74

(2) Where the arbitrator is unable to enter on or to carry on his duties so as to enable him to render his decision within the period of time mentioned in subsection 5 (6), the Lieutenant Governor in Council shall, upon the advice of the Minister, appoint another person to act as arbitrator in his place and the inquiry shall begin anew.

Replacement
of
arbitrator

(3) The arbitrator shall determine his own procedure, but shall give full opportunity to the Council and the Union to present their evidence and make their submissions.

Procedure

(4) Subject to this Act, the arbitrator has all the powers of an arbitrator under the *Colleges Collective Bargaining Act*.

Powers of
arbitrator
R.S.O. 1980,
c. 74

Duty of arbitrator

5.—(1) The arbitrator shall examine into and decide all matters, other than instructional assignments, in dispute between the Council and the Union including any matter, other than instructional assignments, that may be a subject of dispute as to agreement thereon and any other matters that appear to the arbitrator to be necessary to be decided between the parties.

Arbitrator to remain seized of matters in dispute

(2) The arbitrator shall remain seized of and may deal with all matters within his jurisdiction until the arbitrator has decided all matters mentioned in subsection (1).

Agreement upon some matters

(3) Where, before or during the proceedings before the arbitrator, the Council and the Union agree upon some matters to be included in the agreement and they so notify the arbitrator in writing, the arbitrator's decision shall be confined to,

- (a) the matters not agreed upon between the Council and the Union; and
- (b) such other matters as may be agreed upon by the Council and the Union or may appear to the arbitrator to be necessary to be decided in order to conclude the agreement.

Term of agreement

(4) The agreement between the parties shall be for the period expiring on the 31st day of August, 1985.

Provincial fiscal policy

(5) In making his decision, the arbitrator shall consider as a factor the ability of the employers to pay in light of the existing provincial fiscal policy.

Decision of arbitrator

(6) The decision of the arbitrator shall be made within sixty days after the date of his appointment or within such further period of time as the Minister may permit.

Decision binding

6.—(1) The decision of the arbitrator shall be binding upon the Council, the employers, the Union and the employees.

Execution of agreement

(2) Within seven days of the date of the decision of the arbitrator or such longer period as may be agreed upon in writing by the parties, the parties shall prepare and execute a document giving effect to the provisions of this Act and the decision of the arbitrator and any agreement of the parties, and the document thereupon constitutes an agreement.

Preparation of agreement by board

(3) If the parties fail to prepare and execute a document in the form of an agreement giving effect to the provisions of this

Act and the decision of the arbitrator and any agreement of the parties within the period mentioned in subsection (2), the parties or either of them shall notify the arbitrator in writing forthwith, and the arbitrator shall prepare a document in the form of an agreement giving effect to the provisions of this Act and the decision of the arbitrator and any agreement of the parties and submit the document to the parties for execution.

(4) If the parties or either of them fail to execute the document prepared by the arbitrator within a period of seven days from the day of submission of the document by the arbitrator to them, the document shall come into effect as though it had been executed by the parties and the document thereupon constitutes an agreement.

Failure to
execute
agreement

7.—(1) The *Arbitrations Act* does not apply to the proceedings under this Act.

R.S.O. 1980,
c. 25 not
to apply

(2) Part I of the *Statutory Powers Procedure Act* does not apply to the proceedings under this Act.

Idem
R.S.O. 1980,
c. 484

8. Sections 62, 78 and 90 of the *Colleges Collective Bargaining Act* apply with necessary modifications under this Act as if such sections were enacted in and form part of this Act.

Application
of R.S.O.
1980, c. 74

9.—(1) Every person who contravenes any provision of this Act is guilty of an offence and on conviction is liable to a fine of not more than \$500 for each day upon which the contravention occurs or continues.

Contra-
vention of
Act by
person

(2) Every employer or Union that contravenes any provision of this Act is guilty of an offence and on conviction is liable to a fine of not more than \$10,000 for each day upon which such contravention occurs or continues.

Contra-
vention of
Act by
employer or
Union

(3) Where the Union is guilty of an offence under this Act, every officer, official or agent thereof who assents to the commission of the offence is guilty of the offence and is liable to a fine of not more than \$500 for each day upon which the contravention by the Union occurs or continues.

Where officer
guilty of
offence

(4) Where an employer is convicted of an offence under this Act,

Directors,
officers,
employees
and agents

- (a) each member of the board of the employer; and
- (b) each officer, employee or agent of the employer who was in whole or in part responsible for the con-

duct of that part of the business of the employer that gave rise to the offence,

is guilty of an offence unless he satisfies the court that he took all reasonable care to prevent the commission of the offence and is liable to a fine of not more than \$500 for each day upon which the contravention by the employer occurs or continues.

Consent

(5) No prosecution for an offence under this Act shall be instituted except with the written consent of the Minister.

Instructional Assignment Review Committee

10.—(1) There shall be a committee to be known as the Instructional Assignment Review Committee to be composed of three persons who shall be appointed by the Minister.

Chairman

(2) The Minister shall designate one of the members of the Committee to be chairman.

Remuneration and expenses

(3) The chairman and the other members of the Committee shall be paid such remuneration and expenses as are determined by the Minister.

Review

(4) The Committee shall conduct a comprehensive review of all aspects of instructional assignments in the colleges of applied arts and technology.

Consultation

(5) As part of its review, the Committee shall consult with persons representing the views of the Ontario Council of Regents for Colleges of Applied Arts and Technology, the boards of governors of the colleges of applied arts and technology, the Ontario Public Service Employees Union, students attending the colleges of applied arts and technology, parents of such students and other persons who the Committee is satisfied have an interest in instructional assignments in the colleges of applied arts and technology.

Report

(6) The committee shall submit its report and recommendations to the Minister not later than the 30th day of June, 1985 and is thereupon dissolved.

Commencement

11. This Act comes into force on the day it receives Royal Assent.

Short title

12. The short title of this Act is the *Colleges of Applied Arts and Technology Labour Dispute Settlement Act, 1984*.

SCHEDULE

(a) TEACHING MASTERS AND COUNSELLORS

Minimum	\$22,476
Step 1	23,813
Step 2	25,154
Step 3	26,491
Step 4	27,832
Step 5	29,169
Step 6	30,508
Step 7	31,847
Step 8	33,186
Step 9	34,525
Step 10	35,863
Step 11	37,202
Step 12	38,540
Step 13	39,880
Step 14	41,218
Step 15	42,556
Step 16	43,895

(b) INSTRUCTORS

Minimum	\$19,188
Step 1	20,530
Step 2	21,866
Step 3	23,205
Step 4	24,544
Step 5	25,884
Step 6	27,222
Step 7	28,561
Step 8	29,900
Step 9	31,240
Step 10	32,577

(c) LIBRARIANS

LIBRARIANS I

Minimum	\$23,252
Step 1	24,590
Step 2	25,929
Step 3	27,271
Step 4	28,608
Step 5	29,945
Step 6	31,285

LIBRARIANS II

Minimum	\$27,229
Step 1	28,566
Step 2	29,907
Step 3	31,244
Step 4	32,583
Step 5	33,923
Step 6	35,260

(d) PARTIAL-LOAD EMPLOYEES

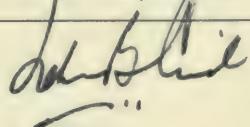
MINIMUM	\$15.77 per hour
MAXIMUM	\$35.03 per hour

and (3)

the following two cases

(a) $\alpha = \beta$

(b) $\alpha < \beta$



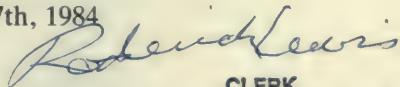
Bill 131

*(Chapter 50
Statutes of Ontario, 1984)*

An Act to amend the Income Tax Act

The Hon. B. Gregory
Minister of Revenue

<i>1st Reading</i>	November 8th, 1984
<i>2nd Reading</i>	November 20th, 1984
<i>3rd Reading</i>	November 23rd, 1984
<i>Royal Assent</i>	November 27th, 1984



ROBERT LEARS
CLERK
LEGISLATIVE ASSEMBLY

THE JEW

BY
J. H. GREEN

AND 1000 ILLUSTRATED IN WORD AND PICT.

WITH A HISTORY
OF THE JEWS

IN
THE
OLD
TESTAMENT
AND
THE
NEW
TESTAMENT

Bill 131**1984****An Act to amend the Income Tax Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 2a of the *Income Tax Act*, being chapter 213 of the Revised Statutes of Ontario, 1980, as enacted by the Statutes of Ontario, 1983, chapter 37, section 1, is repealed and the following substituted therefor:

2a. Every individual whose taxable income exceeds the amount prescribed for the purposes of subsection 6 (2) for the 1983 or 1984 taxation year shall, in addition to the income tax otherwise payable by him under this Act, pay,
Temporary surcharge

- (a) in respect of the 1983 taxation year, a tax of 2.5 per cent; and
- (b) in respect of the 1984 taxation year, a tax of 5 per cent,

of the tax that exceeds the amount prescribed for the purposes of this section and that would, but for section 120.1 of the Federal Act, be payable by him under the provisions of this Act, other than this section, before any deduction authorized by subsection 3 (8) or section 7.

2.—(1) Section 3 of the said Act, as amended by the Statutes of Ontario, 1981, chapter 13, section 1, 1981, chapter 46, section 2 and 1983, chapter 37, section 2, is further amended by adding thereto the following subsections:

(2a) For the 1982 taxation year, the tax payable by an individual described in clause (2) (a) for the year is the amount equal to the aggregate of,
Idem

- (a) the amount determined under subsection (2) for the 1982 taxation year; and

(b) an amount that bears the same relationship to the product of the amount added under subsection 120.1 (2) of the Federal Act for the year by the percentage specified in subsection (5) for the year that his income earned in the taxation year outside of Ontario bears to his income for the year.

Idem (2b) For the 1982 taxation year, the tax payable by an individual described in clause (2) (b) for the year is the amount by which,

(a) the amount determined under subsection (2) for the year,

exceeds

(b) an amount that bears the same relation to the product of the amount added under subsection 120.1 (2) of the Federal Act for the year by the percentage specified in subsection (5) for the year that his income earned in the taxation year in Ontario bears to his income for the year.

Idem (2c) An individual to whom section 2 is applicable for a taxation year is deemed to have paid on account of his tax for the year an amount determined by applying the percentage specified in subsection (5) for the year to an amount that bears the same relation to the excess determined under subsection 120.1 (4) of the Federal Act for the year that his income earned in the taxation year in Ontario bears to his income for the year.

(2) Clause 3 (6) (a) of the said Act is amended by striking out "or 127" in the seventh line and inserting in lieu thereof "127 or 127.2".

(3) Subclause 3 (8) (b) (i) of the said Act is amended by inserting after "country" in the second line "excluding any portion thereof that was deductible by him for the year under subparagraph 110 (1) (f) (i) of the Federal Act".

(4) Subclause 3 (8) (b) (ii) of the said Act is amended by inserting after "under" in the eighth line "paragraph 110 (1) (f)".

(5) Clause 3 (9) (b) of the said Act is repealed and the following substituted therefor:

(b) the expressions "tax payable" and "tax otherwise payable" means the amount of tax calculated under

this Act that would be payable but for section 120.1 of the Federal Act, without the deduction authorized by subsection 7 (2) or (6), other than any tax payable pursuant to subsection (3).

3. Subsection 7 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 13, section 3, is further amended by adding thereto the following clause:

- (k) “tax payable” and “tax otherwise payable” means the amount of tax that would, but for section 120.1 of the Federal Act and this section, be otherwise payable under this Act.

4.—(1) Subsection 11 (1) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 46, section 5, is further amended,

- (a) by inserting after “paying” in the first line “at any time in a taxation year”; and

- (b) by striking out in the first line of that part of the subsection immediately following the clauses “at any time in a taxation year”.

(2) Clause 11 (1) (a) of the said Act is amended by striking out “to an officer or employee” in the first and second lines.

(3) Clause 11 (1) (j) of the said Act is repealed and the following substituted therefor:

- (j) a training allowance under the *National Training Act* (Canada). 1980-81-82.
c. 109 (Can.)

(4) Clause 11 (1) (m) of the said Act, as amended by the Statutes of Ontario, 1981, chapter 46, section 5, is further amended by striking out “or” at the end thereof.

(5) Clause 11 (1) (n) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 46, section 5, is repealed and the following substituted therefor:

- (n) an amount as a benefit under the *Labour Adjustment Benefits Act* (Canada); or 1980-81-82.
c. 89 (Can.)

- (o) one or more amounts to an individual who has elected for the year in prescribed form in respect of all such amounts.

(6) Subsection 11 (2) of the said Act is amended by inserting after “remuneration” in the second line “or other payments”.

5. Subsection 12 (1) of the said Act is amended by inserting after “fishing” in the second line “other than an individual to whom subsection 11 (2) applies”.

6. Section 16 of the said Act is amended by adding thereto the following subsection:

Idem

(6a) Notwithstanding any other provision of this section, where tax payable under this Act by a taxpayer for a taxation year is increased by virtue of an adjustment of an income or profits tax payable by him to a government of a country other than Canada or to the government of a state, province or other political subdivision of such country, no interest is payable, in respect of such increase in his tax payable, for the period ending ninety days after the day on which he is first notified of the amount of the adjustment.

7.—(1) Subsections 33 (1) and (1a) of the said Act, as re-enacted by the Statutes of Ontario, 1981, chapter 46, section 8, are repealed and the following substituted therefor:

Garnishment

(1) Where the Provincial Minister has knowledge or suspects that a person is or will be, within ninety days, liable to make a payment to another person who is liable to make a payment under this Act (in this section referred to as the “tax debtor”), he may, by registered letter or by a letter served personally, require that person to pay forthwith, where the moneys are immediately payable, and, in any other case, as and when the moneys become payable, the moneys otherwise payable to the tax debtor in whole or in part to the Treasurer on account of the tax debtor’s liability under this Act.

Idem

(1a) Notwithstanding subsection (1), where the Provincial Minister has knowledge or suspects that within ninety days,

(a) a bank, credit union, trust company or other similar person (in this section referred to as the “institution”) will loan or advance moneys to, or make a payment on behalf of, or make a payment in respect of a negotiable instrument issued by a tax debtor who is indebted to the institution and who has granted security in respect of the indebtedness; or

(b) a person other than an institution will loan or advance moneys to, or make a payment on behalf of, a tax debtor who the Provincial Minister knows or suspects,

- (i) is employed by or is engaged in providing services or property to that person, or was or will be, within ninety days, employed by or engaged, or
- (ii) where that person is a corporation, the tax debtor is not dealing at arm's length with that person,

he may, by registered letter or by a letter served personally, require the institution or the person, as the case may be, to pay in whole or in part to the Treasurer, on account of the tax debtor's liability under this Act, the moneys that would otherwise be loaned, advanced or paid, and any moneys paid to the Treasurer shall be deemed to have been loaned, advanced or paid, as the case may be, to the tax debtor.

(2) Subsection 33 (4a) of the said Act, as enacted by the Statutes of Ontario, 1981, chapter 46, section 8, is repealed and the following substituted therefor:

(4a) Every institution or person who fails to comply with a requirement under subsection (1a) with respect to moneys to be loaned, advanced or paid is liable to pay to Her Majesty in right of Ontario an amount equal to the lesser of,

- (a) the aggregate of moneys so loaned, advanced or paid; and
- (b) the amount that the institution or person was required by subsection (1a) to pay to the Treasurer.

8. The said Act is amended by adding thereto the following sections:

33a. For the purpose of collecting debts owed by a person to Her Majesty in right of Ontario under this Act, the Provincial Minister may purchase or otherwise acquire any interest in the person's property that the Provincial Minister is given a right to acquire in legal proceedings or under a court order or that is offered for sale or redemption and may dispose of any interest so acquired in such manner as he considers reasonable.

Acquisition
of debtor's
property

33b.—(1) Where the Provincial Minister knows or suspects that a person is holding moneys that were seized by a police officer in the course of administering or enforcing the criminal law of Canada from another person who is liable to make a payment under this Act (in this section referred to as the "tax debtor") and that are restorable to the tax debtor, he

Moneys
seized
in criminal
proceedings

may, by registered letter or by a letter served personally, require that person to turn over the moneys otherwise restorable to the tax debtor in whole or in part to the Treasurer on account of the tax debtor's liability under this Act.

Receipt

(2) The receipt of the Treasurer for moneys turned over as required by this section is a good and sufficient discharge of the requirement to restore the moneys to the tax debtor to the extent of the amount so turned over.

9. The said Act is further amended by adding thereto the following section:

Directors' liability

36a.—(1) Where a corporation has failed to deduct or withhold an amount as required by section 11, or has failed to remit such amount, the directors of the corporation at the time the corporation was required to deduct or withhold the amount, or remit the amount, are jointly and severally liable, together with the corporation, to pay any amount that the corporation is liable to pay under this Act in respect of that amount, including any interest or penalties related thereto.

Exception

(2) A director shall not be liable under subsection (1) unless,

- (a) a certificate for the amount of the corporation's liability referred to in subsection (1) has been registered in the Supreme Court under subsection 31 (2) and execution for such amount has been returned unsatisfied in whole or in part;
- (b) the corporation has commenced liquidation or dissolution proceedings or has been dissolved and a claim for the amount of the corporation's liability referred to in subsection (1) has been proved within six months after the earlier of the date of commencement of the proceedings and the date of the dissolution; or
- (c) the corporation has made an assignment or a receiving order has been made against it under the *Bankruptcy Act* (Canada) and a claim for the amount of the corporation's liability referred to in that subsection has been proved within six months after the date of the assignment or receiving order.

R.S.C. 1970,
c. B-3

Standard of care

(3) A director is not liable for a failure under subsection (1) where he exercised the degree of care, diligence and skill to prevent the failure that a reasonably prudent person would have exercised in comparable circumstances.

(4) No action or proceedings to recover any amount payable by a director under subsection (1) shall be commenced more than two years after he last ceased to be a director of that corporation.

Limitation period

(5) Where the execution referred to in clause (2) (a) has been issued, the amount recoverable from a director is the amount remaining unsatisfied after execution.

Amount of liability

(6) Where a director pays an amount in respect of a corporation's liability referred to in subsection (1) that is proved in liquidation, dissolution or bankruptcy proceedings, he is entitled to any preference that Her Majesty in right of Ontario would have been entitled to had such amount not been so paid and, where a certificate that relates to such amount has been registered, he is entitled to an assignment of the certificate to the extent of his payment, which assignment the Treasurer is hereby authorized to make.

Crown preference

(7) A director who has satisfied a claim under this section is entitled to contribution from the other directors who were liable for the claim.

Directors' recovery

10. Subsection 37 (3) of the said Act is repealed and the following substituted therefor:

(3) Every person required by this section to keep records and books of account shall retain the records and books of account and every account and voucher necessary to verify the information in the records and books of account until the disposal thereof is permitted for the purposes of the Federal Act pursuant to the provisions of Part XV thereof.

Records retention

11.—(1) Section 1 and subsection 3 (2c) of the said Act, as enacted by subsection 2 (1), shall be deemed to have come into force on the 1st day of January, 1983 and apply to the 1983 and subsequent taxation years.

Commencement and application

(2) Subsections 3 (2a) and (2b) of the said Act, as enacted by subsection 2 (1), subsections 2 (3), (4) and (5), and section 3 shall be deemed to have come into force on the 1st day of January, 1982 and apply to the 1982 and subsequent taxation years.

Idem

(3) Subsection 2 (2) shall be deemed to have come into force on the 1st day of July, 1983 with respect to shares issued after the 30th day of June, 1983 and applies to the 1982 and subsequent taxation years.

Idem

- Idem** (4) Subsections 4 (1), (2) and (6), and sections 5, 7 and 8 shall be deemed to have come into force on the 30th day of March, 1983.
- Idem** (5) Subsection 4 (3) shall be deemed to have come into force on the 2nd day of August, 1982.
- Idem** (6) Subsections 4 (4) and (5) shall be deemed to have come into force on the 30th day of March, 1983, provided that clause 11 (1) (n) of the said Act, as re-enacted by subsection 4 (5), is applicable with respect to amounts paid after 1981, except that in its application to payments made after the 12th day of November, 1981 in respect of a termination of an office or employment that occurred on or before that date, that clause shall be read as follows:
- (n) a termination payment.
- Idem** (7) Section 6 shall be deemed to have come into force on the 1st day of January, 1981 and applies to notifications made after 1980.
- Idem** (8) Section 9 shall be deemed to have come into force on the 13th day of November, 1981, and applies with respect to amounts required to be deducted and remitted, or withheld and remitted, after the 12th day of November, 1981.
- Idem** (9) Section 10 comes into force on the day this Act receives Royal Assent.
- Short title** **12.** The short title of this Act is the *Income Tax Amendment Act, 1984*.

1920-21

WINTER

1920-21
TWO YEARS OF STUDY AND WORK

[Handwritten signature]

Bill 132

*(Chapter 51
Statutes of Ontario, 1984)*

**An Act to amend
The City of Sudbury Hydro-Electric
Service Act, 1980**

The Hon. P. Andrewes
Minister of Energy

<i>1st Reading</i>	November 8th, 1984
<i>2nd Reading</i>	November 26th, 1984
<i>3rd Reading</i>	November 27th, 1984
<i>Royal Assent</i>	November 27th, 1984

Rod Smith Lewis
CLERK
LEGISLATIVE ASSEMBLY

Bill 132**1984**

**An Act to amend
The City of Sudbury Hydro-Electric
Service Act, 1980**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3 of *The City of Sudbury Hydro-Electric Service Act, 1980*, being chapter 59, is amended by adding thereto the following subsection:

(3a) Where the Commission purchases the assets used by a person to supply power in an area of the City, the Commission has the sole right to distribute and supply power in the area on and after the date of the transfer of ownership of the assets to the Commission.

Transfer of
right on
purchase of
assets

2. This Act comes into force on the day it receives Royal Assent.

Commencement

3. The short title of this Act is the *City of Sudbury Hydro-Electric Service Amendment Act, 1984*.

Short title

Bill 135

*(Chapter 52
Statutes of Ontario, 1984)*

An Act to amend the Ontario Unconditional Grants Act

The Hon. C. Bennett
Minister of Municipal Affairs and Housing

<i>1st Reading</i>	November 8th, 1984
<i>2nd Reading</i>	November 26th, 1984
<i>3rd Reading</i>	November 27th, 1984
<i>Royal Assent</i>	November 27th, 1984



ROSLIE LEWIS
CLERK
LEGISLATIVE ASSEMBLY

Bill 135**1984****An Act to amend the
Ontario Unconditional Grants Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. Subsection 9 (1) of the *Ontario Unconditional Grants Act*,
being chapter 359 of the Revised Statutes of Ontario, 1980, as
re-enacted by the Statutes of Ontario, 1981, chapter 9, section
8, is repealed and the following substituted therefor:**

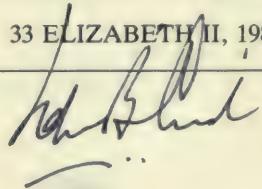
(1) For the purposes of apportioning the amounts required for a district home established under the *Homes for the Aged and Rest Homes Act* or a district welfare administration board, established under the *District Welfare Administration Boards Act*, the equalized assessment of a lower tier municipality shall be increased by an amount that would have produced the amount of the resource equalization grant entitlement in the preceding year, or such other year as may be prescribed, by the taxation of real property at the rate determined by dividing the total taxes levied for all purposes, other than school purposes, on commercial assessment in the preceding year, by the total equalized commercial assessment for the preceding year, times 1,000.

Where
equalized
assessment of
lower tier
municipality
to be
increased
R.S.O. 1980,
cc. 203, 122

2. This Act comes into force on the 1st day of January, 1985. Commencement

3. The short title of this Act is the *Ontario Unconditional Grants Amendment Act, 1984*. Short title





Bill 136

*(Chapter 61
Statutes of Ontario, 1984)*

An Act to amend the Highway Traffic Act

The Hon. J. W. Snow
Minister of Transportation and Communications

1st Reading November 9th, 1984

2nd Reading December 14th, 1984

3rd Reading December 14th, 1984

Royal Assent December 14th, 1984



CLERK
LEGISLATIVE ASSEMBLY

Bill 136**1984****An Act to amend the Highway Traffic Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 26 (2) of the *Highway Traffic Act*, being chapter 198 of the Revised Statutes of Ontario, 1980, as re-enacted by the Statutes of Ontario, 1984, chapter 21, section 4, is repealed and the following substituted therefor:

(2) In determining whether a conviction is a subsequent conviction or an additional subsequent conviction, as the case may be, for the purpose of clauses (1) (b) and (c), the only question to be considered is the sequence of convictions and no consideration shall be given to the sequence of commission of offences or whether any offence occurred before or after any conviction.

Determining
subsequent
conviction

(2a) Clauses (1) (b) and (c) do not apply when the subsequent conviction is more than five years after the previous conviction.

Five year
limitation

2.—(1) Subsection 44 (1) of the said Act is amended by striking out “after sunset to one-half hour before sunrise” in the second line and inserting in lieu thereof “before sunset to one-half hour after sunrise”.

(2) Subsection 44 (5) of the said Act is amended by striking out “after sunset to one-half hour before sunrise” in the fifth and sixth lines and inserting in lieu thereof “before sunset to one-half hour after sunrise”.

(3) Subsection 44 (10) of the said Act is amended by striking out “after sunset to one-half hour before sunrise” in the second line and inserting in lieu thereof “before sunset to one-half hour after sunrise”.

(4) Subsection 44 (11) of the said Act is amended by striking out “after sunset to one-half hour before sunrise” in the sec-

ond line and inserting in lieu thereof "before sunset to one-half hour after sunrise".

(5) Subsection 44 (13) of the said Act is amended by striking out "after sunset to one-half hour before sunrise" in the second line and inserting in lieu thereof "before sunset to one-half hour after sunrise".

(6) Subsection 44 (17) of the said Act is amended by striking out "after sunset to one-half hour before sunrise" in the second line and inserting in lieu thereof "before sunset to one-half hour after sunrise".

(7) Subsection 44 (19) of the said Act is amended by striking out "after sunset to one-half hour before sunrise" in the third and fourth lines and inserting in lieu thereof "before sunset to one-half hour after sunrise".

(8) Subsection 44 (23) of the said Act is amended by striking out "after sunset to one-half hour before sunrise" in the second line and inserting in lieu thereof "before sunset to one-half hour after sunrise".

(9) Subsection 44 (24) of the said Act is amended by striking out "after sunset to one-half hour before sunrise" in the second line and inserting in lieu thereof "before sunset to one-half hour after sunrise".

(10) Subsection 44 (25) of the said Act is amended by striking out "after sunset to one-half hour before sunrise" in the second line and inserting in lieu thereof "before sunset to one-half hour after sunrise".

(11) Subsection 44 (26) of the said Act is amended by striking out "after sunset to one-half hour before sunrise" in the fourth and fifth lines and inserting in lieu thereof "before sunset to one-half hour after sunrise".

(12) Subsection 44 (27) of the said Act is amended by striking out "after sunset to one-half hour before sunrise" in the fourth and fifth lines and inserting in lieu thereof "before sunset to one-half hour after sunrise".

3. Section 60 of the said Act is amended by adding thereto the following subsection:

Exemption
by
regulation

(3) The Lieutenant Governor in Council may make regulations exempting any class of persons or vehicles or any use of equipment or type of equipment from the provisions of this section.

4. Subsection 104 (1) of the said Act is amended by striking out "subsection 23 (1)" in the first line and inserting in lieu thereof "subsection 15 (1)".

5. Clause 122 (7) (b) of the said Act is amended by striking out "yellow" in the second line and inserting in lieu thereof "amber".

6. Subsection 151 (7) of the said Act, as re-enacted by the Statutes of Ontario, 1984, chapter 21, section 19, is amended by striking out "subsection 147 (1)" in the twelfth line and inserting in lieu thereof "clause 147 (1) (a)".

7. Subsection 184 (1) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 63, section 44, is repealed and the following substituted therefor:

(1) A judge, provincial judge or justice of the peace who makes a conviction for an offence under this Act or under any other Act of the Legislature or the Parliament of Canada or any regulation or order made under any of them committed by means of a motor vehicle, motorized snow vehicle or street car or for an offence under a municipal by-law regulating traffic on the highways, except convictions for offences for standing or parking or the clerk of the court in which the conviction is made, shall forthwith certify the conviction to the Registrar, setting out the name, address and description of the person convicted, the number of his driver's licence, the number of the permit of the motor vehicle or the registration number of the motorized snow vehicle, as the case may be, with which the offence was committed, the time the offence was committed and the provision of the Act, regulation, order or by-law contravened.

Report on
conviction
to Registrar

8. This Act comes into force on the day it receives Royal Assent. Commencement

9. The short title of this Act is the *Highway Traffic Amendment Act, 1984*. Short title



Bill 138

(*Chapter 62
Statutes of Ontario, 1984*)

An Act to amend the Immunization of School Pupils Act, 1982

The Hon. K. C. Norton
Minister of Health

<i>1st Reading</i>	November 13th, 1984
<i>2nd Reading</i>	December 11th, 1984
<i>3rd Reading</i>	December 11th, 1984
<i>Royal Assent</i>	December 14th, 1984

Bill 138

1984

**An Act to amend the
Immunization of School Pupils Act, 1982**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) Section 1 of the *Immunization of School Pupils Act*, 1982, being chapter 41, as amended by the Statutes of Ontario, 1983, chapter 76, section 1, is further amended by adding thereto the following clause:

(ma) “statement of conscience or religious belief” means a statement by affidavit in the prescribed form by a parent of the person named in the statement that immunization conflicts with the sincerely held convictions of the parent based on the parent’s religion or conscience.

(2) Clause 1 (o) of the said Act is repealed.

2. The said Act is amended by adding thereto the following sections:

2a.—(1) The parent of a pupil shall cause the pupil to complete the prescribed program of immunization in relation to each of the designated diseases. Duty of parent

(2) Subsection (1) does not apply to the parent of a pupil in respect of the prescribed program of immunization in relation to a designated disease specified by a physician in a statement of medical exemption filed with the proper medical officer of health and, where the physician has specified an effective time period, only during the effective time period. Exception

(3) Subsection (1) does not apply to a parent who has filed a statement of conscience or religious belief with the proper medical officer of health. Idem

Idem

(4) Subsection (1) does not apply to a parent who, before the coming into force of this section, has filed with the proper medical officer of health a statement of religious belief in the form prescribed before the coming into force of this section.

Offence

2b. Every person who contravenes section 2a is guilty of an offence and on conviction is liable to a fine of not more than \$1,000.

Certificate
by M.O.H.
as evidence

2c. In proceedings under section 2b, a certificate by a medical officer of health as to whether or not he has received a statement of medical exemption, a statement of conscience or religious belief or a statement of religious belief is admissible in evidence as proof in the absence of evidence to the contrary of the facts stated therein without proof of the appointment or signature of the medical officer of health.

3. Subclause 3 (2) (a) (iii) of the said Act is repealed and the following substituted therefor:

(iii) a statement of conscience or religious belief in respect of the pupil; and

4. Clause 14 (b) of the said Act is repealed and the following substituted therefor:

(b) prescribing forms and providing for their use and requiring that statements of conscience or religious belief be in the form of affidavits.

Commencement

5. This Act comes into force on the day it receives Royal Assent.

Short title

6. The short title of this Act is the *Immunization of School Pupils Amendment Act, 1984*.

John Blaikie

Bill 140

*(Chapter 63
Statutes of Ontario, 1984)*

An Act to revise the Metropolitan Police Force Complaints Project Act, 1981

The Hon. R. McMurtry

Attorney General

<i>1st Reading</i>	November 13th, 1984
<i>2nd Reading</i>	December 7th, 1984
<i>3rd Reading</i>	December 14th, 1984
<i>Royal Assent</i>	December 14th, 1984

Rodney Lewis
CLERK
LEGISLATIVE ASSEMBLY

Bill 140**1984****An Act to revise the Metropolitan Police Force
Complaints Project Act, 1981**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,**Interpretation**

- (a) "Bureau" means the Public Complaints Investigation Bureau;
- (b) "chief of police" means the chief of police of the Metropolitan Police Force;
- (c) "Commissioner" means the Public Complaints Commissioner appointed under this Act;
- (d) "complainant" means a member of the public who makes a complaint in accordance with the provisions of this Act;
- (e) "complaint" means an allegation or allegations, made orally or in writing, by a member of the public, concerning the misconduct of a police officer;
- (f) "inquiry" means an allegation or allegations concerning conduct of a police officer that does not amount to "misconduct";
- (g) "misconduct" means an act or omission on the part of a police officer that constitutes an offence under the Code of Offences set out in the Schedule to Regulation 791 of the Revised Regulations of Ontario, 1980, made under the *Police Act*;
- (h) "officer in charge" means the police officer who at any particular time, while on duty, is in charge of and responsible for, the proper functioning of a police facility;

R.S.O. 1980,
c. 381

- (i) "police officer" means a police officer on the Metropolitan Police Force;
- (j) "prescribed" means prescribed by the regulations;
- (k) "regulations" means the regulations made under this Act;
- (l) "subject officer" means a police officer who is the subject of a complaint.

Application of Act

2. This Act applies to complaints and inquiries made by members of the public respecting the conduct of police officers on the Metropolitan Police Force and hearings under this Act and disciplinary proceedings under the *Police Act* and the regulations thereunder arising out of such complaints.

Appointment of Public Complaints Commissioner
R.S.O. 1980, c. 381

3.—(1) The Lieutenant Governor in Council shall appoint a Public Complaints Commissioner, to hold office for a term not exceeding five years, to exercise the powers and perform the duties assigned to him by this Act and the regulations.

Re-appointment
Officers, etc.
R.S.O. 1980, c. 418

(2) The Commissioner may be reappointed for a further term or terms not exceeding, in each instance, five years.

(3) Such officers and employees as are considered necessary from time to time for the purposes of this Act may be appointed under the *Public Service Act*.

Remuneration

(4) The Commissioner shall be paid such remuneration and allowance for expenses as may be fixed by the Lieutenant Governor in Council.

Records

(5) The Commissioner shall maintain copies of all records, reports and other materials received by him under this Act.

Monitoring handling of complaints and inquiries

(6) The Commissioner shall monitor the handling of complaints and inquiries by the Bureau and the chief of police.

Annual report

(7) The Commissioner shall report annually on the affairs of his office to the Solicitor General and to the Attorney General and the Attorney General shall submit the report to the Lieutenant Governor in Council and shall then lay the report before the Assembly if it is in session or, if not, at the next ensuing session.

Summary of decisions

(8) The Commissioner shall cause to be prepared and published periodically a summary of the decisions, and the reasons therefor, made by the boards of inquiry under this Act.

(9) The accounts of the Commissioner shall be audited annually by the Provincial Auditor.

Audit
boards of
inquiry

4.—(1) The Lieutenant Governor in Council shall appoint a panel of persons to act as members of boards of inquiry.

Panel for
boards of
inquiry

(2) One-third of the members of the panel shall be persons who are members of the Law Society of Upper Canada who are jointly recommended for appointment by the Attorney General and the Solicitor General.

Recommendations
for
appointment

(3) One-third of the members of the panel shall be persons, other than police officers, the appointment of whom the Metropolitan Board of Commissioners of Police and the Metropolitan Toronto Police Association have jointly recommended in writing to the Attorney General.

Idem

(4) One-third of the members of the panel shall be persons recommended by the council of The Municipality of Metropolitan Toronto to the Attorney General for appointment.

Idem

(5) Appointments to the panel shall be for a term of two years and a person who is appointed may be reappointed for a further term or terms not exceeding, in each instance, two years.

Term

(6) Recommendations made under subsections (3) and (4) shall be submitted to the Attorney General within such time as he may specify.

Idem

(7) Notwithstanding subsection 34 (1), the members of the Police Complaints Board, except the chairman, constituted under the *Metropolitan Police Force Complaints Project Act, 1981* shall act as members of boards of inquiry under this Act until such time as the panel referred to in subsection (1) is appointed and members of the Police Complaints Board appointed from the groups set out in subsections 4 (4), (5) and (6), respectively, of the *Metropolitan Police Force Complaints Project Act, 1981* shall be deemed to be recommended under subsections (2), (3) and (4) of this section, respectively.

Members of
Police
Complaints
Board under
1981, c. 43

1981, c. 43

(8) The members of the panel shall be paid such remuneration and expenses as may be fixed by the Lieutenant Governor in Council.

Remuneration

5.—(1) The chief of police shall establish and maintain for the purposes of this Act a branch of the Metropolitan Police Force to be known as the Public Complaints Investigation Bureau.

Establishment
of Bureau

Staff	(2) The chief of police shall ensure that the Bureau is supplied with sufficient staff to effectively receive, record and investigate complaints and inquiries.
Where complaints may be made	6. —(1) A member of the public may make a complaint at the Bureau, at any police station in Metropolitan Toronto or at the office of the Commissioner.
Information	(2) The person who receives the complaint shall record the complaint in the prescribed form and shall furnish the complainant with a prescribed statement that sets out the procedures that will be followed respecting the complaint and the rights under this Act of the complainant, together with a copy of the complaint.
Preliminary investigation	(3) Where a complaint is recorded at a police station, the officer in charge of the station shall take all reasonable steps to ensure that all available evidence is gathered that may be lost if not secured immediately and, if appropriate, ensure that such other preliminary investigation as may be warranted is conducted and that a report concerning such preliminary investigation is prepared and forwarded to the person in charge of the Bureau.
Copy of complaint	(4) Where a complaint is recorded at a police station, the person recording the complaint shall forward forthwith to the Bureau and to the Commissioner a copy of the complaint.
Idem	(5) Where a complaint is recorded at the Bureau, the person recording the complaint shall forward forthwith to the Commissioner a copy of the complaint.
Idem	(6) Where a complaint is recorded at the office of the Commissioner, the person recording the complaint shall forward forthwith to the Bureau a copy of the complaint.
Notification by Commissioner	7. —(1) Where a complaint is made by a person not directly affected by the incident, the Commissioner, as soon as practicable after receiving the complaint, shall in writing notify the person directly affected by the incident that a complaint has been made under this Act and advise him that he is entitled to be the complainant.
Where no action to be taken	(2) Where the person directly affected by the incident is not known or can not be found or does not, within thirty days of the date of the notification, file with the Commissioner a written request to be the complainant in the matter, no further action shall be taken under this Act in respect of such complaint.

(3) Nothing in subsection (2) shall prevent the chief of police from taking any disciplinary action that he could otherwise take under the *Police Act* and the regulations thereunder, and the chief of police shall notify the Commissioner if any such action is taken and the result thereof and either the chief of police or the Commissioner shall then notify the complainant.

Action under
R.S.O. 1980,
c. 381

(4) For the purposes of this section a person who observes an incident shall be deemed to be a person directly affected by the incident.

Person
deemed
directly
affected

8.—(1) Upon receipt of a complaint, the person in charge of the Bureau may, with the consent of the Commissioner, reclassify any of the separate allegations within the complaint as an inquiry, and the complainant and the subject officer shall be notified forthwith.

Reclassifi-
cation
by Bureau
chief

(2) The person in charge of the Bureau shall determine whether any investigation is required in respect of an inquiry, and if it is, cause such investigation to be conducted, respond to the complainant in writing within sixty days of receipt of the complaint and forward a copy of the response to the Commissioner forthwith.

Response

(3) The person in charge of the Bureau may, during the course of an investigation under subsection (2), reclassify any of the separate allegations within the inquiry as a complaint, and the complainant, the subject officer and the Commissioner shall be notified forthwith.

Reclassifi-
cation
during
investigation

(4) No reference shall be made in the personal record of any police officer to an inquiry resolved in accordance with subsection (2).

Personal
record

9. The person in charge of the Bureau shall inform forthwith the subject officer of the substance of the complaint in the prescribed form, unless, in the opinion of such person, to do so might adversely affect any investigation of the complaint.

Police officer
to be
informed

10.—(1) The person in charge of the Bureau shall consider whether a complaint can be resolved informally and, with the consent of the complainant and the subject officer, may attempt to so resolve the complaint.

Informal
resolution

(2) Where a complaint is resolved informally, a record shall be made of the manner in which the complaint was resolved and the complainant and the subject officer shall each signify in writing his agreement to such resolution.

Record of
informal
resolution

Copy of record to be furnished

(3) A copy of a record made under subsection (2) shall be furnished forthwith to the Commissioner, the complainant and the subject officer.

Informal resolution

(4) A complaint may be resolved informally by the person in charge of the Bureau in accordance with the procedures in this section at any time during the course of or after an investigation.

Where complaint to continue

(5) Notwithstanding subsection (1), where the Commissioner is of the opinion that the informal resolution was obtained as a result of a misunderstanding, a threat or other improper pressure, the Commissioner may notify the person in charge of the Bureau that the complaint shall continue and give reasons therefor in writing to the person in charge of the Bureau, the subject officer, the complainant and the chief of police and in such event the complaint shall continue to be treated as a complaint under this Act.

Review of decision

R.S.O. 1980,
c. 224

(6) The decision of the Commissioner under subsection (5) shall be deemed to be made in the exercise of a statutory power of decision within the meaning of the *Judicial Review Procedure Act*.

Informal resolution by Commissioner

(7) A complaint may be resolved informally by the Commissioner in accordance with the procedures in this section at any time during the course of an investigation or review by the Commissioner.

No reference in personal record of subject officer

(8) No reference shall be made in the personal record of a subject officer to a complaint resolved under this section, except where misconduct has been admitted by the subject officer.

Investigation

11.—(1) Where a complaint is not resolved informally, the person in charge of the Bureau shall cause an investigation to be made forthwith into the complaint in accordance with prescribed procedures.

Interim reports

(2) The person in charge of the Bureau shall forward to the Commissioner, the complainant and the subject officer an interim report in the prescribed form providing a summary of the investigation to date not later than thirty days after receipt of the complaint and shall forward further interim reports to the same persons on a monthly basis during the course of the investigation.

Exception

(3) Notwithstanding subsection (2), the person in charge of the Bureau may decide not to make a report to the complainant or the subject officer where, in his opinion, to do so might

adversely affect the investigation of the complaint or where there are no new matters to report, in which case the person in charge of the Bureau shall forthwith notify the Commissioner of the reasons for his decision.

(4) Where an investigation has been completed, the person in charge of the Bureau shall cause a final investigation report in the prescribed form to be prepared and shall forward a copy thereof to the Commissioner, the chief of police, the complainant and the subject officer.

Final report

(5) A final investigation report prepared under subsection (4) shall,

Idem

- (a) contain a summary of the complaint and a description of the alleged misconduct by the subject officer;
- (b) contain a summary of the investigation and of information obtained from the complainant, the subject officer and witnesses, if any; and
- (c) contain a description and analysis of any physical evidence obtained.

(6) The Commissioner may, upon receipt of a final investigation report, request that the chief of police cause further investigation to be made into the complaint and the results of any such investigation shall be forwarded to the Commissioner.

Further investigation at request of Commissioner

12.—(1) All complaints and inquiries shall be dealt with in accordance with this Act, and shall not be withdrawn except in accordance with this Act.

Withdrawal of complaint

(2) A complainant may withdraw a complaint at any time by giving notice, in the prescribed form, to the person in charge of the Bureau, who shall forward a copy thereof to the Commissioner and the subject officer.

Notice

(3) Notwithstanding subsection (2), where the Commissioner is of the opinion that the complainant withdrew the complaint as a result of a misunderstanding, a threat or other improper pressure, the Commissioner may notify the person in charge of the Bureau that the complaint shall continue, and give reasons therefor, in writing, to the person in charge of the Bureau, the subject officer, the complainant and the chief of police and in such event the complaint shall continue to be treated as a complaint under this Act.

Where to continue as complaint

Review of decision

R.S.O. 1980,
c. 224

(4) The decision of the Commissioner to cause the complaint to continue shall be deemed to be made in the exercise of a statutory power within the meaning of the *Judicial Review Procedure Act*.

Disciplinary action under R.S.O. 1980, c. 381

(5) Notwithstanding subsection (2), where a complaint has been withdrawn by a complainant, such withdrawal shall not prevent the chief of police from taking any disciplinary action that he could otherwise take under the *Police Act* and the regulations thereunder and the chief of police shall notify the Commissioner if any such action is taken and the result thereof.

Where complaint not to be dealt with

13.—(1) Where it appears to the chief of police that,

- (a) a complaint is frivolous, vexatious or made in bad faith;
- (b) a complaint is not within the jurisdiction of this Act; or
- (c) a complaint is one that could or should be more appropriately dealt with under an Act other than this Act,

the chief of police may decide that the complaint or any part thereof not be dealt with under this Act.

Notice

(2) The chief of police shall notify the Commissioner, the complainant and the subject officer of any decision made under subsection (1).

Disciplinary action under R.S.O. 1980, c. 381

(3) Notwithstanding subsection (1), the decision of the chief of police shall not prevent the chief from taking any disciplinary action that he could otherwise take under the *Police Act* and the regulations thereunder.

Review by Commissioner

(4) The complainant may, within thirty days of receiving notification under subsection (2), request the Commissioner to review the decision made under subsection (1), in which case all the provisions of this Act relating to a review by the Commissioner apply with necessary modifications.

Extension of time

(5) Notwithstanding subsection (4), where the Commissioner is satisfied that there are reasonable grounds for granting an extension, the Commissioner may extend the time for requesting a review.

Powers and duties of chief of police

14.—(1) The chief of police shall review a final investigation report and he may order such further investigation as he

considers advisable and may, unless he decides that no action is warranted,

- (a) cause an information alleging the commission of an offence by the subject officer to be laid and refer the matter to the Crown attorney for prosecution;
- (b) order that one or more of the allegations contained in the complaint be heard by a board of inquiry;
- (c) cause disciplinary proceedings to be taken under the *Police Act* and the regulations thereunder; and
- (d) after giving the subject officer ten working days to reply, either orally or in writing, to the complaint, counsel or caution the subject officer regarding his conduct,

but where the chief of police takes action under clause (b), (c) or (d), he shall not take action under any other of those clauses.

(2) Where the chief of police causes an information to be laid under clause (1) (a), such action shall not stay any disciplinary proceedings under the *Police Act* or any hearing by a board of inquiry unless the presiding officer or the board, as the case may be, is of the opinion that the hearing should be stayed until the court proceedings have been concluded.

Hearing
not stayed

R.S.O. 1980,
c. 381

(3) A subject officer may within thirty days of the taking of any action under clause (1) (d), request the Commissioner to review the action, in which case all the provisions of this Act relating to a review by the Commissioner shall apply with necessary modifications.

Review by
Commissioner

(4) Notwithstanding subsection (3), where the Commissioner is satisfied that there are reasonable grounds for granting an extension, the Commissioner may extend the time for requesting a review.

Extension
of time

(5) Any action taken under clause (1) (d) shall be expunged from the personal record of the subject officer upon the expiration of a period of two years during which no other disciplinary action has been noted on the record.

Expunging
from
personal
record

(6) The chief of police shall give forthwith written notice of any action taken by him under subsection (1) or of his decision that no action is warranted to the Commissioner, the complainant and the subject officer and, where his decision is that no action is warranted or he has taken action under

Notice of
action taken

clause (1) (d), the chief of police shall give his reasons therefor.

Designation
by chief
of police

(7) The chief of police may designate any police officer of the rank of inspector or higher to exercise any of his powers and perform any of his duties under this Act and the police officer so designated has the powers and duties set out in the designation and where any power is conditional on the opinion of the chief of police, the requisite opinion shall be that of the police officer so designated.

Application
of s. 23
R.S.O. 1980,
c. 381

15.—(1) Where the chief of police has caused disciplinary proceedings to be taken under the *Police Act* and the regulations thereunder, subsections 23 (6), (8), (13), (14) and (15) of this Act apply with necessary modifications to a hearing held in connection with such proceedings.

Notice of
decision

(2) The chief of police or, if he is not the person who holds a hearing referred to in subsection (1), the person who holds the hearing shall give forthwith written notice of his decision together with his reasons therefor to the Commissioner, the complainant and the subject officer.

Police officer
may appeal

16. Where a hearing referred to in subsection 15 (1) has been held and a penalty has been imposed upon a subject officer, the officer may appeal in accordance with the provisions of this Act and not as provided in the *Police Act* and the regulations thereunder.

Notice of
appeal

17.—(1) A notice of appeal under section 16 shall be served on the Commissioner and the chief of police within fifteen days after the subject officer receives notice of the penalty imposed, and the Commissioner shall notify the complainant forthwith.

Extension
of time

(2) Where a notice of appeal is filed after the time set out in subsection (1), the Commissioner shall assign, in accordance with the regulations, the matter to a member of the panel appointed on a recommendation made under subsection 4 (2) who may, if satisfied that there are reasonable grounds for doing so, extend the time for appealing and give such directions as he considers proper consequent upon the extension.

Commis-
sioner
may
investigate

18.—(1) Notwithstanding any other provision of this Act, the Commissioner may investigate the allegations in the complaint,

- (a) at any time after he receives the first interim report under subsection 11 (2) or the thirty-day period mentioned therein has expired;
- (b) upon the request of the chief of police; or
- (c) where he has reasonable grounds to believe that there has been undue delay or other exceptional circumstances in the conduct of an investigation under section 11.

(2) A decision to take action under clause (1) (c) shall be deemed to be made in the exercise of a statutory power within the meaning of the *Judicial Review Procedure Act*.

Review of decision

R.S.O. 1980,
c. 224

Notice to chief of police

(3) The Commissioner shall forthwith notify the chief of police in writing of his intention to conduct an investigation under clause (1) (a) or (c) and shall give his reasons therefor in writing.

Idem

(4) Where the Commissioner conducts an investigation under subsection (1), he shall forward to the complainant, the subject officer, the person in charge of the Bureau and the chief of police an interim report in the prescribed form providing a summary of the investigation to date, not later than thirty days after he has given notification of his intention to conduct an investigation, and shall forward further interim reports to the same persons on a monthly basis during the course of the investigation, and upon the completion of his investigation he shall prepare a final investigation report and forward a copy thereof to the same persons.

Notice of action taken

(5) The chief of police, upon receipt of a final investigation report under subsection (4), shall review the report, together with any final investigation report prepared under subsection 11 (4), and shall make a decision in accordance with section 14 and shall notify all persons in accordance with subsection 14 (6).

Delegation

(6) The Commissioner may designate any person appointed under subsection 3 (3) to exercise any of his powers and perform any of his duties under this Act, and the person so designated has the powers and the duties set out in the designation, and where any power is conditional upon the opinion of the Commissioner, the requisite opinion shall be that of the designated person.

Request for review

19.—(1) Where a complainant is dissatisfied with the decision made on a disciplinary proceeding arising out of his complaint that is not a decision of a board of inquiry or with

action taken by the chief of police under clause 14 (1) (d) or with a decision of the chief of police that no action is warranted, he may within thirty days of receipt of notification under subsection 14 (6) or 15 (2) request the Commissioner to review the matter.

Extension
of time

(2) Notwithstanding subsection (1), where the Commissioner is satisfied that there are reasonable grounds for granting an extension the Commissioner may extend the time for requesting a review.

Hearing may
be ordered

(3) Where the Commissioner receives a request under subsection (1), he shall review the matter and may, after such review, order a hearing by a board of inquiry if he believes that, in the public interest, such a hearing is required or he may decide to take no further action.

Notice

(4) The Commissioner shall give forthwith written notice to the chief of police, the complainant and the subject officer of his decision under subsection (3) and, where his decision is to take no further action, shall give his reasons therefor.

Where
appeal under
s. 16

(5) Where a subject officer has appealed under section 16 a hearing ordered under subsection (3) shall be heard together with that appeal.

Powers on
investigation
or review

20.—(1) For the purposes of an investigation under section 18 or a review under section 19, the Commissioner may, where he has reasonable grounds to believe that it is necessary to do so in furtherance of the investigation or review, after informing the chief of police, enter a police station and examine therein books, papers, documents and things related to the complaint.

Powers on
inquiry

R.S.O. 1980,
c. 411

(2) For the purposes of an investigation or review, the Commissioner has the powers of a commission under Part II of the *Public Inquiries Act*, which Part applies to such investigation or review as if it were an inquiry under that Act.

Appointment
of person
to make
investigation
or review

(3) The Commissioner may, in writing, appoint a person to make any investigation or review he is authorized to make and the person so appointed has all the powers and duties of the Commissioner relating to the investigation and the review.

Identification

(4) The Commissioner shall issue a certificate of appointment to any person appointed to make an investigation or review under subsection (3), which certificate shall contain a photograph of the person appointed, and the person appointed, while exercising any powers or performing any duties in

respect of the investigation or review, shall produce the certificate of appointment upon request.

(5) The person appointed to make an investigation or review shall report the results of his investigation or review to the Commissioner. Report

(6) No person shall obstruct the Commissioner or a person appointed by him to make an investigation or review or withhold from him or conceal or destroy any books, papers, documents or things related to the investigation or review. Obstruction

(7) Where a justice of the peace is satisfied upon an *ex parte* application by the Commissioner or by a person appointed by him under subsection (3) that there is reasonable ground for believing there are in any building, dwelling, receptacle or place any books, papers, documents or things relating to an investigation or review, the justice of the peace may issue an order authorizing the person making the application, together with such persons as he calls upon to assist him, to enter and search, if necessary by force, such building, dwelling, receptacle or place for such books, papers, documents or things and to examine them, but every such entry and search shall be made between 6 a.m. and 9 p.m., standard time, unless the justice of the peace, by the order, otherwise authorizes. Search warrant

(8) The Commissioner may, upon giving a receipt therefor, remove any books, papers, documents or things examined under subsection (1) or (7) relating to the investigation or review and shall with reasonable dispatch cause to be made copies of such books, papers or documents and return them promptly thereafter to the person from whom they were removed. Removal of books, etc.

(9) Any copy made as provided in subsection (8) and certified to be a true copy by the Commissioner is admissible in evidence in any action, proceeding or prosecution as *prima facie* proof of the original book, paper or document and its contents. Admissibility of copies

(10) The Commissioner may appoint an expert to examine books, papers, documents or things examined under subsection (1) or (7). Appointment of experts

21.—(1) Where, after making a review, the Commissioner is of the opinion that a police practice or procedure should be altered, he shall report his opinion and recommendations to the Metropolitan Board of Commissioners of Police, the chief of police and the Metropolitan Toronto Police Association. Report

Idem (2) Where, as a result of any matter dealt with under this Act, the Commissioner is of the opinion that a practice or procedure or law affecting the resolution or prevention of public complaints should be altered or implemented, he shall report his opinion and recommendations to the Metropolitan Board of Commissioners of Police, the chief of police and the Metropolitan Toronto Police Association.

Idem (3) Within ninety days of receiving a report under subsection (1) or (2), the Metropolitan Board of Commissioners of Police shall forward such report along with their comments and any comments submitted to them by the chief of police or the Metropolitan Toronto Police Association, to the Attorney General, the Solicitor General and the Commissioner.

Where board
of inquiry to
be
constituted

22.—(1) Where,

- (a) the chief of police has ordered that a matter be heard by a board of inquiry;
- (b) a police officer has appealed under section 16; or
- (c) the Commissioner has, under subsection 19 (3), ordered a hearing,

a board of inquiry shall be constituted in accordance with this section.

Assignment
to board
of inquiry

(2) Where, in the opinion of the Commissioner, the hearing involves misconduct by a subject officer that is of a minor nature, he shall assign, in accordance with the regulations, a member of the panel who was appointed on a recommendation made under subsection 4 (2) to sit alone to conduct the hearing.

Idem

(3) Where, in the opinion of the Commissioner, the hearing involves misconduct by a subject officer that is of a serious nature, he shall assign, in accordance with the regulations, three members of the panel to conduct the hearing.

Constitution
of board
R.S.O. 1980,
c. 381

(4) Where, following a disciplinary hearing under the *Police Act* a board of inquiry is to be constituted, the board shall be constituted in accordance with subsection (3).

Who shall be
on board

(5) The chairman of a board of inquiry constituted under subsection (3) or (4) shall be a person appointed to the panel on a recommendation made under subsection 4 (2), one member shall be a person appointed to the panel on a recommendation made under subsection 4 (3) and one member shall be

a person appointed to the panel on a recommendation made under subsection 4 (4).

(6) The chief of police, where he has ordered a hearing, and the Commissioner, where he has ordered a hearing, shall provide the parties with a concise statement of the allegations of misconduct to be heard by the board.

Statement
of alleged
misconduct

(7) Where, following a hearing referred to in subsection 15 (1), a board of inquiry has been constituted, the chief of police shall forward the record of that hearing, including the transcript, all documents, evidence and exhibits considered at that hearing, to the board.

Record

(8) Where the Commissioner has ordered the hearing he shall pay the costs of preparing the record.

Costs of
record

23.—(1) The hearing before the board of inquiry shall be *de novo*, except where the chief of police has prepared a record under subsection 22 (7), in which case the hearing shall be on the record but the board may, in special circumstances, hear such evidence as the board considers advisable.

When
hearing
de novo and
when on
record

(2) The parties to a hearing shall include,

Parties

- (a) the chief of police, in respect of appeals instituted by the subject officer under section 16; and
- (b) the Attorney General, except where an appeal has been instituted by the subject officer under section 16.

(3) A party may be added by the board at any stage of the hearing upon such terms as the board considers proper.

Adding
parties

(4) The Attorney General, where he is a party to the hearing, has carriage of the matter.

Attorney
General to
have carriage

(5) The board shall appoint a time for a hearing and give written notice thereof to the parties.

Notice of
hearing

(6) The subject officer and the complainant shall be afforded an opportunity to examine before the hearing any physical or documentary evidence that will be produced or any report the contents of which will be given in evidence at the hearing.

Opportunity
to examine
evidence

(7) The board conducting a hearing shall not communicate directly or indirectly in relation to the subject-matter of the hearing with any person or with any party or his representa-

Board not
to
communicate
with party

tive except upon notice to and opportunity for all parties to participate, but the board may seek legal advice from an adviser independent from the parties and in such case the nature of the advice should be made known to the parties in order that they may make submissions as to the law.

Oral evidence

(8) The oral evidence given at the hearing shall be recorded and, if so required, copies or a transcript thereof shall be furnished upon the same terms as in the Supreme Court.

Adjournment for view

(9) The board may, where it appears to be in the interests of justice, direct that the board and the parties and their counsel or representatives shall have a view of any place or thing, and may adjourn the hearing for that purpose.

Only members at hearing to participate in decision

(10) No member of the board shall participate in a decision following the hearing unless he was present throughout the hearing and heard the evidence and argument of the parties and, except with the consent of the parties, no decision shall be given unless all members so present participate in the decision.

Decision

(11) A decision of a member of a board of inquiry sitting alone and a decision of a majority of the members of a board comprising three members is a decision of the board.

Release of documents

(12) Documents and things put in evidence at the hearing shall, upon the request of the person who produced them, be released to him within a reasonable time after the matter in issue has been finally determined.

Police officer not required to give evidence
R.S.O. 1980, c. 484

(13) Notwithstanding section 12 of the *Statutory Powers Procedure Act*, the subject officer shall not be required to give evidence at the hearing nor shall any statement or answer required to be given by him in respect of the complaint made against him be admitted in evidence at the hearing, except with his consent.

Statement or admission not admissible in evidence

(14) Where the person in charge of the Bureau or the Commissioner attempts to resolve a complaint informally and the complaint is not so resolved, any statement or admission made during such attempt by the subject officer or by the complainant shall not be admitted in evidence at the hearing, except with the consent of the subject officer or the complainant, as the case may be.

Proof of misconduct

(15) No finding of misconduct by the subject officer shall be made unless the misconduct is proved beyond a reasonable doubt.

(16) Where a board constituted under subsection 22 (2) finds the subject officer guilty of misconduct, it may, Imposition of penalty

- (a) direct that days off not exceeding five days be forfeited;
- (b) direct that pay not exceeding three days pay be forfeited; or
- (c) reprimand the police officer.

(17) Where a board constituted under subsection 22 (3) finds the subject officer guilty of misconduct, it may, Idem

- (a) dismiss the police officer from the Metropolitan Police Force, whereupon the officer is thereby dismissed;
- (b) direct that the police officer resign from the Metropolitan Police Force and, in default of resigning within seven days, be summarily dismissed;
- (c) reduce the police officer in rank or gradation of rank and in pay in accordance with the rank to which he is reduced;
- (d) direct that days off not exceeding twenty days be forfeited;
- (e) direct that pay not exceeding five days pay be forfeited; or
- (f) reprimand the police officer, which reprimand may be in lieu of or in addition to any other penalty imposed.

(18) The board shall give forthwith written notice of its decision and the reasons therefor to the chief of police, the complainant, the subject officer, the Commissioner, the Solicitor General and the Attorney General. Notice of decision

(19) No reference to a hearing conducted by the board shall be made in the personal record of the subject officer unless the board has made a finding of misconduct. No reference to hearing

(20) The Metropolitan Board of Commissioners of Police may, in such cases and to such extent as it thinks fit, pay any legal costs incurred by a subject officer in respect of a hearing conducted by a board and an appeal under section 24. Costs may be paid

Appeal

24.—(1) A party to a hearing by a board may appeal within thirty days of the decision of the board to the Divisional Court.

Solicitor General and Attorney General entitled to be heard

(2) The Solicitor General, and the Attorney General where he is not entitled to appeal under subsection (1), are entitled to be heard, by counsel or otherwise, upon the argument of an appeal under this section.

What may be appealed

(3) An appeal under this section may be made on a question that is not a question of fact alone or from a penalty imposed under subsection 23 (17), or on both the question and the penalty.

How notice, etc., may be served

25. Any notice, report or other material required to be given, furnished, forwarded or otherwise served under this Act is sufficiently served if delivered personally or sent by prepaid first class mail addressed to the person on whom service is required to be made at his last known or usual place of abode.

Matters confidential

26.—(1) Every person engaged in the administration of this Act and the regulations, including a member of the Metropolitan Police Force, shall preserve secrecy in respect of all matters that come to his knowledge in the course of his duties and shall not communicate any such matter to any other person except,

R.S.O. 1980,
c. 381

- (a) as may be required in connection with the administration of this Act and the regulations or the *Police Act* and the regulations thereunder;
- (b) as may be required for the due enforcement of the law;
- (c) to his counsel; or
- (d) with the consent of the person to whom the matter relates.

Testimony

(2) No person to whom subsection (1) applies shall be required to give testimony in any civil suit or proceeding with regard to information obtained by him in the course of his duties, except at a hearing under this Act or in a disciplinary proceeding under the *Police Act* and the regulations thereunder.

What is inadmissible in evidence

(3) No record, report, writing or document arising out of a complaint is admissible or may be used in evidence in any civil suit or proceeding, except at a hearing under this Act or in a

disciplinary proceeding under the *Police Act* and the regulations thereunder.

(4) No oral statement, answer or admission referred to in subsections 23 (13) and (14) is admissible or may be used in evidence in any civil suit or proceeding, except at a hearing under this Act or in a disciplinary proceeding under the *Police Act* and the regulations thereunder. Idem
R.S.O. 1980,
c. 381

27. Section 146 of the *Courts of Justice Act, 1984* (photography at court hearing) applies with necessary modifications to a board hearing. Application
of 1984,
c. 11, s. 146

28. The *Ombudsman Act* does not apply to anything done under this Act. R.S.O. 1980,
c. 325 does
not apply

29. The Attorney General, with the approval of the Lieutenant Governor in Council, and The Municipality of Metropolitan Toronto may enter into an agreement to provide for the payment by the municipality to the Treasurer of Ontario on such terms and conditions as may be agreed upon of contributions in respect of the moneys required for the purposes of this Act. Agreement
for
contributions

30. Any person who contravenes subsection 20 (6), subsection 26 (1) or section 27 is guilty of an offence and on conviction is liable to a fine of not more than \$2,000. Offence

31. The Lieutenant Governor in Council may make regulations, Regulations

- (a) respecting the reporting and publication of decisions of boards of inquiry;
- (b) assigning duties to the Commissioner;
- (c) establishing a system that provides for the assignment of panel members on a rotational basis;
- (d) prescribing forms and providing for their use; and
- (e) prescribing any matter that by this Act is required to be or is referred to as prescribed.

32.—(1) There shall be a committee composed of,

Advisory
committee

- (a) the Deputy Attorney General;
- (b) the Deputy Solicitor General;

- (c) the chairman of the Ontario Police Commission;
- (d) the Commissioner;
- (e) the Assistant Deputy Attorney General-Criminal Law; and
- (f) such other persons as may be jointly appointed by the Attorney General and the Solicitor General.

Duties

(2) It is the duty of the committee,

- (a) to maintain under review the practice and procedures under this Act;
- (b) to receive and consider matters brought to the attention of the committee by any person having an interest in the operation of the system for handling complaints under this Act;
- (c) to make such recommendations as the committee considers appropriate for the improvement of the system for handling complaints; and
- (d) to perform such other duties or functions as the committee may be requested to perform by the Attorney General or the Solicitor General.

Recommendations

(3) Any recommendations made under clause (2) (c) shall be forwarded by the committee to both the Attorney General and the Solicitor General.

Recommendation
of Attorney
General

33. On or before the day that is three years after the day this Act comes into force, the Attorney General shall, after having reviewed the operation of the panel, the Board and the advisory committee referred to in sections 4 and 32 respectively, recommend to the Lieutenant Governor in Council whether those bodies should continue in existence or be terminated.

Repeal

34.—(1) The *Metropolitan Police Force Complaints Project Act, 1981*, being chapter 43, is repealed.

Proceedings
continued
under 1981,
c. 43

(2) Notwithstanding subsection (1), the *Metropolitan Police Force Complaints Project Act, 1981* shall continue in force and apply to a complaint that is made before the day this Act comes into force, for the purpose of continuing the proceedings in respect of that complaint, but the proceedings at any Board hearing commenced after the day this Act comes into force shall be in accordance with the provisions of this Act.

35. This Act comes into force on the 21st day of December, 1984. Commencement

36. The short title of this Act is the *Metropolitan Toronto Police Force Complaints Act, 1984*. Short title

Bill 142

*(Chapter 41
Statutes of Ontario, 1984)*

An Act respecting the City of Barrie and the Township of Vespra

The Hon. C. Bennett
Minister of Municipal Affairs and Housing

<i>1st Reading</i>	March 20th, 1984
<i>2nd Reading</i>	March 20th, 1984
<i>3rd Reading</i>	June 27th, 1984
<i>Royal Assent</i>	June 27th, 1984

Rodney Lewis

**CLERK
LEGISLATIVE ASSEMBLY**

REGULATIVE ASSEMBLY
CIRCUIT

Bill 142**1984**

**An Act respecting the City of Barrie and
the Township of Vespra**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpretation

- (a) “annexed area” means the land annexed to the City of Barrie under section 2;
- (b) “City” means The Corporation of the City of Barrie;
- (c) “Minister” means the Minister of Municipal Affairs and Housing;
- (d) “Township” means The Corporation of the Township of Vespra.

2. On the 1st day of July, 1984, the portion of the Township of Vespra described in the Schedule is annexed to the City of Barrie.

Annexation
of part of
Vespra
to Barrie

3.—(1) All the assets and liabilities of the Township attributable on the 1st day of July, 1984, to the annexed area become assets and liabilities of the City without compensation.

Assets and
liabilities

(2) The Minister may appoint a committee of arbitrators for the purpose of determining the assets and liabilities, including reserve funds, of the Township attributable to the annexed area.

Committee of
arbitrators

(3) The committee shall consist of the treasurer of the City, the treasurer of the Township and such other person or persons as the Minister may appoint.

Composition

Determi-
nation
of assets and
liabilities

(4) The committee shall make a determination of the assets and liabilities, including reserve funds attributable to the annexed area, together with the determination of any financial adjustments that may be necessary.

Notification
of determina-
tion

(5) The committee shall notify the clerk of the City, the clerk of the Township and the Ontario Municipal Board of the determination made under subsection (4), and, unless the council of either municipality informs the Board in writing within thirty days of the notification that it objects to such determination, the determination shall be given effect to by order of the Board.

Determi-
nation
of O.M.B.

(6) Where objection is made to the Ontario Municipal Board under subsection (5), the Board may by order make all such adjustments of assets and liabilities as between the Township and the City as the Board may consider equitable, and sections 94 and 95 of the *Ontario Municipal Board Act* do not apply to decisions or orders made under this subsection.

R.S.O. 1980.
c. 347

Annexation
of further
lands

4. The City shall not apply for the annexation of any further lands in the Township of Vespra before the 1st day of January, 2012, unless the Township agrees to such annexation.

Unpaid taxes

5.—(1) All taxes levied under any general or special Act and uncollected in the annexed area which are due and unpaid on the 31st day of December, 1984, shall after that date be taxes due and payable to the City and may be collected and recovered by the City as if the taxes had been imposed by the City.

Special roll

(2) The clerk of the Township shall forthwith after the 31st day of December, 1984 prepare and furnish to the clerk of the City a special collector's roll showing all arrears of taxes or special rates assessed against the lands in the annexed area up to the 31st day of December, 1984, and the persons assessed therefor.

Trans-
Canada
Pipe Line

6. Notwithstanding that any portion of the Trans-Canada Pipe Line is situate within the annexed area, for assessment and taxation purposes, that portion of the Pipe Line situate in the Township of Vespra immediately before the annexation provided for in section 2, shall be deemed to continue to be situate in the Township of Vespra.

By-laws

7.—(1) On and after the 1st day of July, 1984, the by-laws of the City extend to the annexed area and the by-laws of the Township cease to apply to such area, except by-laws relating to highways and by-laws passed by the Township under sec-

tion 34 of the *Planning Act, 1983* or a predecessor of that section which shall remain in force until amended or repealed by the council of the City, and except by-laws conferring rights, privileges, franchises, immunities or exemptions that could not have been lawfully repealed by the council of the Township.

1983, c. 1

(2) On and after the 1st day of July, 1984, By-law No. 83-15 of the Township, in so far as it applies to the annexed area, shall be deemed to be a by-law of the City and to have been submitted to the Ontario Municipal Board for approval.

Zoning
by-law of
Township
deemed
by-law
of City

(3) The provisions of the official plan of the Township as they pertain to the annexed area shall be deemed to be provisions of the official plan of the City.

Official plan

(4) The Minister shall remain seized of the portions of the official plan submitted to the Minister by the Township for approval that pertain to the annexed area and that as of the 1st day of July, 1984 have not been approved by the Minister and when and if such additional portions are approved they shall be deemed to be provisions of the official plan of the City.

Deferred
portions
of official
plan

8.—(1) Notwithstanding any general or special Act, the Minister may provide at any time by order, that in the years 1985, 1986, 1987 and 1988 and in the manner specified in the order, the council of the City shall levy and impose on the whole of the annexed area and on the whole of the remainder of the City rates of taxation for general purposes and rates and charges for special purposes that are different than the rates and charges that would have been levied or imposed for such purposes but for the provisions of this section.

Rates of
taxation

(2) An order made under subsection (1) may provide for rates of taxation for general purposes and rates and charges for special purposes in defined areas of the annexed area lower than the rates generally applicable in the City to reflect the extent to which the annexed area does not receive City services, and the rates may vary among the defined areas.

Idem

9. The City shall pay to the Township and to the County of Simcoe, as compensation for any loss of assessment caused by the annexation provided for in section 2, such amount and in such manner as the Minister determines and in making his determination, the Minister shall have regard to the loss of assessment, the impact on grants under the *Ontario Unconditional Grants Act*, and such other matters as the Minister may consider appropriate.

Compensa-
tion
for loss of
assessmentR.S.O. 1980.
c. 359

Taxes

10. In the year 1984 the Township shall levy, collect and retain taxes on the lands in the annexed area and the City shall not levy or collect any taxes on the lands in the annexed area until the year 1985.

County
levy, etc.

11. The Township shall, in 1984, pay the levy for county purposes and the amounts required by law to be provided for school purposes and such amounts as may be levied by boards or commissions directly on the Township, in the amounts that would have been paid if the lands in the annexed area had remained in the Township of Vespra for the whole of that year, and the Minister may take into account the moneys so paid when determining the amount of any grants under section 12.

Grants

12.—(1) The Minister may, by order, provide for the payment of grants to the Township or to the City or to the County of Simcoe under such terms and conditions as the Minister considers appropriate.

Moneys

(2) The moneys required for the purposes of subsection (1) shall, until the 31st day of March, 1985, be paid out of the Consolidated Revenue Fund, and thereafter out of the moneys appropriated therefor by the Legislature.

Member of
City council

13.—(1) The council of the Township may, by by-law passed within sixty days of the coming into force of this Act, designate the head of the council or such other member of council or a person who is a resident in the annexed area who is qualified to be a member of the Township council as the by-law appoints as a member of the council of the City and the person appointed shall hold office for the remainder of the term of the present City council and is entitled to receive all such remuneration as is payable to a regular member of the City council.

Application
of
1983, c. 8.

(2) A member of the council of the Township who is also a member of the council of the City under subsection (1), does not, by reason only of being a member of both councils, have an indirect pecuniary interest for the purposes of the *Municipal Conflict of Interest Act, 1983* in respect of any matter that is the subject of consideration by either council.

Redivision
of wards

14.—(1) For the purposes of the general election to be held in 1985, the Minister may, by order, redivide the City into wards taking into consideration the land annexed to the City by section 2 and such wards shall remain in effect until altered by the Ontario Municipal Board.

(2) An order made under subsection (1) may provide for the composition of the council of the City which composition shall remain in effect until altered in accordance with the provisions of the *Municipal Act*, and may provide that the composition of council shall be deemed to have been provided for by by-law of the City.

Composition
of councilR.S.O. 1980.
c. 302

15. The Lieutenant Governor in Council, upon the recommendation of the Minister, may authorize all such acts or things not specifically provided for in this Act that in the opinion of the Minister are necessary or advisable to carry out effectively the purposes or intent of this Act.

16. This Act comes into force on the day it receives Royal Assent.

Powers of
L.G. in C.

Commencement

17. The short title of this Act is the *Barrie-Vespra Annexation Act, 1984*.

Short title

SCHEDULE

Commencing at the intersection of the southerly boundary of the Township of Vespra and the westerly boundary of the City of Barrie;

Thence westerly along the southerly boundary of the said Township to a point distant 105 metres measured westerly therealong from the centre line of the road allowance between concessions VII and VIII;

Thence northerly 61 metres to the southeasterly angle of Part 1 as shown on a Plan deposited in the Land Registry Office for the Registry Division of Simcoe (No. 51) as Number 51R-8915;

Thence north $31^{\circ} 58'$ west along the easterly limit of the said Part 167.64 metres to the northeasterly angle of the said Part;

Thence north $31^{\circ} 58'$ west 90.5 metres more or less to a point distant 156.17 metres measured south $31^{\circ} 58'$ east from the line between the northerly and southerly halves of Lot 24 in Concession VIII;

Thence south $58^{\circ} 59'$ west 50 metres more or less to an angle in Part 1 as shown on a Plan deposited in the said Registry Office as Number 51R-3074;

Thence north $31^{\circ} 58'$ west along an easterly limit of the said Part 107.41 metres to an angle in the said Part 1;

Thence north $58^{\circ} 59'$ east along a limit of the said Part 80.54 metres to the westerly limit of Part 3 as shown on the said Plan Number 51R-3074;

Thence north $31^{\circ} 58'$ west along the westerly limit of parts 3 and 2 as shown on the said Plan 48.77 metres to the line between the northerly and southerly halves of Lot 24 in Concession VIII;

Thence south $58^{\circ} 59'$ west along the said line 15.25 metres to the easterly angle of Part 3 as shown on a Plan deposited in the said Registry Office as Number 51R-4226;

Thence north $31^{\circ} 58' 50''$ west along the easterly limit of the said Part 59.66 metres to the northeasterly angle of the said Part;

Thence north $70^{\circ} 12'$ east along the southerly limit of Part 8 as shown on the said Plan 36.88 metres to a point;

Thence north $31^{\circ} 58'$ west crossing the lands of Ontario Hydro 51.45 metres to an easterly angle of Part 1 as shown on the said Plan;

Thence north $19^{\circ} 45' 10''$ west 63.3 metres to a point on a limit of the said Part 1;

Thence south $70^{\circ} 14' 50''$ west 24.38 metres more or less to an angle in the said Part;

Thence north $20^{\circ} 10' 40''$ west along a limit of the said Part 42 metres to an angle in the said Part;

Thence south $69^{\circ} 41' 50''$ west along a limit of the said Part 15.19 metres to an angle in the said Part;

Thence north $20^{\circ} 18' 10''$ west 70.25 metres to a point on a limit of the said Part;

Thence south $70^{\circ} 14' 50''$ west along a limit of the said Part 21.3 metres more or less to an angle in the said Part;

Thence north $20^{\circ} 15' 10''$ west 135.94 metres to a point on a limit of the said Part;

Thence south $69^{\circ} 56' 40''$ west 26.2 metres more or less to an angle in the said Part;

Thence north $20^{\circ} 12' 10''$ west along a limit of the said Part 65.51 metres to a point;

Thence south $69^{\circ} 47' 30''$ west along a limit of the said Part 11.84 metres to a point;

Thence north $20^{\circ} 11' 30''$ west 77.91 metres to a limit of the said Part;

Thence south $70^{\circ} 14' 50''$ west 18.9 metres more or less to an angle in the said Part;

Thence northwesterly following the easterly limits of the said Part to the intersection of easterly limit of the Trans Canada Pipeline and the northerly angle of the said Part 1;

Thence north $31^{\circ} 52' 30''$ west 26.04 metres to an angle in the said Plan Number 51R-4226;

Thence north $57^{\circ} 30'$ east to and along the southerly limit of Part 10 as shown on the said Plan 121.92 metres to the easterly limit of Lot 23 in Concession VIII;

Thence north $31^{\circ} 52' 30''$ west along the said easterly limit 20.44 metres to the northeasterly angle of the said Lot;

Thence northerly along the easterly limit of Lot 22 in Concession VIII to the northeasterly angle of the said Lot;

Thence easterly to and along the northerly limit of Lot 22 in Concession VII to the easterly limit of the Trans Canada Pipeline as shown on a Plan

registered in the said Registry Office as Routine Pipeline Plan Number 131530;

Thence northerly along the easterly limit of the said Pipeline to the westerly limit of the easterly half of Lot 20 in Concession VII;

Thence northerly along the said westerly limit to the northerly limit of the said Lot;

Thence easterly along the southerly limit of Lot 19 in concessions VII and VI to the easterly limit of the westerly half of Lot 19 in Concession VI;

Thence northerly along the said easterly limit to the southerly limit of the Trans Canada Pipeline as shown on a Plan registered in the said Registry Office as Number 131529;

Thence easterly along the southerly limit of the said Pipeline to the easterly limit of the said Lot 19 in Concession VI;

Thence northerly along the easterly limit of the said Lot to the northeasterly angle of the said Lot;

Thence easterly to and along the northerly limit of the westerly half of Lot 19 in Concession V to the westerly limit of the easterly half of Lot 18 in Concession V;

Thence northerly along the said westerly limit to a point distant 208.59 metres measured southerly therealong from the northerly limit of the easterly half of the said Lot 18;

Thence easterly to the southwesterly angle of Part 1 as shown on a Plan deposited in the said Registry Office as Number 51R-12176;

Thence easterly along the southerly limit of the said Part 182.9 metres to the westerly limit of the King's Highway Number 27;

Thence easterly to a point on the westerly limit of Lot 18 in Concession III distant 200 metres measured southerly therealong from the northwesterly angle of the said Lot;

Thence southerly along the said westerly limit to the southwesterly angle of the said Lot 18;

Thence easterly along the southerly limit of the westerly half of Lot 18 in Concession III to the line between the east and west halves of Concession III;

Thence southerly along the said line to a point distant 179.96 metres measured northerly therealong from the southwesterly angle of the easterly half of Lot 20 in Concession III;

Thence easterly and parallel with the southerly limit of the said easterly half of Lot 20, 44.99 metres to a point;

Thence southerly and parallel with the westerly limit of the said half of Lot 20, 179.96 metres to the northerly limit of the road allowance between lots 20 and 21;

Thence easterly along the northerly limit of the said road allowance to the westerly high water mark of Little Lake;

Thence easterly along the southerly high water mark of the said Lake, including docks or extremities, to the northerly limit of Lot 6 in Concession I W.P.R.;

Thence easterly along the northerly limit of the said Lot 6 to the easterly limit of the King's Highway Number 400;

Thence southerly along the easterly limit of the said Highway 59.3 metres to the easterly limit of the said Plan Number 302;

Thence southerly along the said easterly limit to intersect a line parallel with and distant 57.91 metres measured northerly at right angles from the southerly limit of the said Lot 6.

Thence easterly along the said parallel line to the easterly boundary of the Township of Vespra;

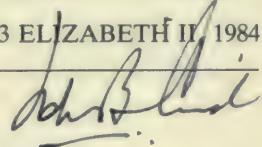
Thence southerly along the said easterly boundary to the northerly boundary of the City of Barrie;

Thence westerly following the boundaries between the City of Barrie and the Township of Vespra to the place of commencement.

1900

1900

1900



Bill 145

*(Chapter 64
Statutes of Ontario, 1984)*

An Act to amend the Courts of Justice Act, 1984

The Hon. R. McMurtry
Attorney General

<i>1st Reading</i>	November 13th, 1984
<i>2nd Reading</i>	December 4th, 1984
<i>3rd Reading</i>	December 11th, 1984
<i>Royal Assent</i>	December 14th, 1984



RODENICK LEWIS
CLERK
LEGISLATIVE ASSEMBLY



Bill 145**1984****An Act to amend the Courts of Justice Act, 1984**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subsection 47 (2) of the *Courts of Justice Act, 1984*, being chapter 11, is repealed.

2. Clause 56 (1) (b) of the said Act is amended by striking out “61” in the second line and inserting in lieu thereof “60”.

3.—(1) Section 67 of the said Act is amended by striking out “62” in the fourth line and inserting in lieu thereof “61”.

(2) Section 67 of the said Act is further amended by adding thereto the following subsection:

(2) The Provincial Court (Criminal Division) is a youth court for the purposes of the *Young Offenders Act (Canada)*. Idem
S.C. 1980-
81-82-83,
c. 110

4. Subsection 75 (2) of the said Act is repealed.

5. Subsection 86 (4) of the said Act is amended by adding at the end thereof “and, with the approval of the Attorney General, every clerk and bailiff of the Provincial Court (Civil Division) in an area that is not designated under clause 87 (1) (g) may appoint in writing a deputy who may exercise and perform all the powers and duties of the clerk or bailiff”.

6. Clause 89 (1) (i) of the said Act is amended by striking out “or” in the first line and inserting in lieu thereof “and”.

7. Clause 90 (1) (d) of the said Act is amended by adding at the end thereof “and authorizing the Court of Appeal to determine in the first instance a special case arising in a proceeding commenced in the High Court or the District Court”.

8. Section 126 of the said Act is amended by inserting after “claim” in the second line “or crossclaim”.

9. Subsection 141 (1) of the said Act is amended by inserting after "of" in the second line "and incidental to".

10. Section 179 of the said Act is amended by adding thereto the following subsection:

Application
R.S.O. 1980,
c. 152

(5) Notwithstanding subsection (4), subsection 30 (2) of the *Family Law Reform Act* continues to apply in respect of attachment orders made before subsection (4) comes into force.

Commencement

11.—(1) This Act, except sections 2, 3, 5, 8, 9 and 10, comes into force on the day it receives Royal Assent.

Idem

1984, c. 11

(2) Section 2, subsection 3 (1) and sections 5, 8, 9 and 10 come into force on the day the sections they amend, respectively, are proclaimed in force under section 221 of the *Courts of Justice Act, 1984*.

Idem

(3) Subsection 3 (2) comes into force on the 1st day of April, 1985, notwithstanding section 221 of the *Courts of Justice Act, 1984*.

Short title

12. The short title of this Act is the *Courts of Justice Amendment Act, 1984*.

A handwritten signature in black ink, appearing to read "John Blenk".

Bill 147

*(Chapter 65
Statutes of Ontario, 1984)*

An Act to amend the Residential Complexes Financing Costs Restraint Act, 1982

The Hon. R. G. Elgie
Minister of Consumer and Commercial Relations

<i>1st Reading</i>	November 15th, 1984
<i>2nd Reading</i>	November 27th, 1984
<i>3rd Reading</i>	December 11th, 1984
<i>Royal Assent</i>	December 14th, 1984

A handwritten signature in black ink, appearing to read "Rodney Lewis".

CLERK
LEGISLATIVE ASSEMBLY

The Hunt

John G. Neihardt

Bill 147**1984****An Act to amend the Residential Complexes
Financing Costs Restraint Act, 1982**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

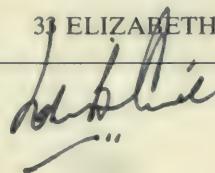
1.—(1) Subsection 7 (1) of the *Residential Complexes Financing Costs Restraint Act, 1982*, being chapter 59, as re-enacted by the Statutes of Ontario, 1983, chapter 69, section 1, is repealed and the following substituted therefor:

(1) This Act is repealed on the 31st day of December, Repeal
1985.

(2) Subsection 7 (2) of the said Act, as amended by the Statutes of Ontario, 1983, chapter 69, section 1, is further amended by striking out “1984” in the amendment of 1983 and inserting in lieu thereof “1985”.

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *Residential Complexes Financing Costs Restraint Amendment Act, 1984*. Short title



Bill 148

*(Chapter 53
Statutes of Ontario, 1984)*

An Act respecting certain land in the Township of Marathon in the District of Thunder Bay

The Hon. L. Bernier
Minister of Northern Affairs

<i>1st Reading</i>	November 15th, 1984
<i>2nd Reading</i>	November 20th, 1984
<i>3rd Reading</i>	November 20th, 1984
<i>Royal Assent</i>	November 27th, 1984



Rodnick Lewis
CLERK
LEGISLATIVE ASSEMBLY

2000
2000

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Bill 148**1984****An Act respecting certain land in the Township
of Marathon in the District of Thunder Bay**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpretation

- (a) "Plan 55M-468" means the plan of subdivision registered in the land registry office for the Land Titles Division of Thunder Bay (No. 55) as Plan 55M-468;
- (b) "Road C" means Road "C" in the Township of Marathon, as shown as an underlying feature in broken outline on Plan 55M-468.

2. That portion of Road C within the limits of Plan 55M-468, except the parts of Road C dedicated by Plan 55M-468 as public highways, shall be deemed not to be a public highway.Land deemed
not be
public
highway**3. This Act comes into force on the day it receives Royal Assent.**

Commencement

4. The short title of this Act is the *Township of Marathon Land Act, 1984.*

Short title

and hence it is also called *discrete approximation*. In fact, if we let Δt approach zero, then the numerical solution will converge to the exact solution of the differential equation.

3.2. Numerical solution of the equation $(\partial^2 u / \partial x^2) + f(x, u) = 0$

As in the case of the first-order differential equation, there are two ways of approaching the numerical solution of the second-order differential equation.

The first way is to reduce the second-order differential equation to a system of two first-order differential equations.

Let us consider the second-order differential equation

$$\frac{\partial^2 u}{\partial x^2} + f(x, u) = 0 \quad (3.1)$$

and let us introduce the new variables

$$v = \frac{\partial u}{\partial x} \quad (3.2)$$

so that the second-order differential equation (3.1) can be written as a system of two first-order differential equations:

$$\begin{aligned} \frac{du}{dx} &= v \\ \frac{dv}{dx} &= -f(x, u) \end{aligned} \quad (3.3)$$

and we can now apply the numerical method described in section 3.1 to the system of equations (3.3).

Another way of approaching the numerical solution of the second-order differential equation (3.1) is to use a finite difference approximation.

John Blunk

Bill 149

*(Chapter 66
Statutes of Ontario, 1984)*

An Act to amend the Ministry of Correctional Services Act

The Hon. N. G. Leluk
Minister of Correctional Services

<i>1st Reading</i>	November 16th, 1984
<i>2nd Reading</i>	December 4th, 1984
<i>3rd Reading</i>	December 11th, 1984
<i>Royal Assent</i>	December 14th, 1984

Rodney Lewis
CLERK
LEGISLATIVE ASSEMBLY

WATER

Water is a

solvent for all

substances except oil.

Water is a

solvent for all

substances except oil.

Water is a

solvent for all

Bill 149**1984**

**An Act to amend the
Ministry of Correctional Services Act**

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

**1. Section 1 of the *Ministry of Correctional Services Act*,
being chapter 275 of the Revised Statutes of Ontario, 1980, is
repealed and the following substituted therefor:**

1. In this Act,

Interpretation

- (a) “compassionate allowance” means an allowance made under section 13 of this Act and the regulations;
- (b) “correctional institution” means a correctional institution established or continued under section 14 and does not include a place of open custody, a place of secure custody, a place of temporary detention, a training school established or authorized under the *Training Schools Act*, or a lock-up established under section 206 of the *Municipal Act*; R.S.O. 1980,
cc. 508, 302
- (c) “Deputy Minister” means the Deputy Minister of Correctional Services;
- (d) “inmate” means a person confined in a correctional institution or otherwise detained in lawful custody under a court order, but does not include a young person within the meaning of the *Young Offenders Act* (Canada); S.C. 1980-
81-82-83,
c. 110
- (e) “maximum security place of custody” means a place of secure custody in which the Minister has established a maximum security custody program;

S.C. 1980-
81-82-83,
c. 110

- (f) "medium security place of custody" means a place of secure custody in which the Minister has established a medium security custody program;
- (g) "Minister" means the Minister of Correctional Services;
- (h) "Ministry" means the Ministry of Correctional Services;
- (i) "parole" means authority granted to an inmate to be at large during the inmate's term of imprisonment;
- (j) "parolee" means an inmate who has been granted parole under this Act;
- (k) "place of open custody" means a place or facility designated as a place of open custody under subsection 24 (1) of the *Young Offenders Act* (Canada) and operated by or for the Minister;
- (l) "place of open temporary detention" means a place of temporary detention in which the Minister has established an open detention program;
- (m) "place of secure custody" means a place or facility designated for the secure containment or restraint of young persons under subsection 24 (1) of the *Young Offenders Act* (Canada) and operated by or for the Minister;
- (n) "place of secure temporary detention" means a place of temporary detention in which the Minister has established a secure detention program;
- (o) "place of temporary detention" means a place or facility designated as a place of temporary detention under subsection 7 (1) of the *Young Offenders Act* (Canada) and operated by or for the Minister;
- (p) "prescribed" means prescribed by the regulations;
- (q) "probation" means the disposition of a court authorizing a person to be at large subject to the conditions of a probation order or community service order;
- (r) "provincial director" means a provincial director appointed under clause 45 (1) (a);

- (s) "regulations" means the regulations made under this Act;
- (t) "remission" means statutory or earned remission, as the case requires;
- (u) "young person" means a person who is, or, in the absence of evidence to the contrary, appears to be,
 - (i) sixteen years of age, or more, but
 - (ii) under eighteen years of age,

and includes a person eighteen years of age or more charged with having committed an offence while the person was sixteen years of age or more but under eighteen years of age, but does not include an inmate or a person who is a young person within the meaning of the *Young Offenders Implementation Act, 1984*.

1984, c. 19

Functions
of
Ministry

2. Section 4 of the said Act is repealed and the following substituted therefor:

4. It is the function of the Ministry to supervise the detention and release of inmates, parolees, probationers and young persons and to create for them a social environment in which they may achieve changes in attitude by providing training, treatment and services designed to afford them opportunities for successful personal and social adjustment in the community, and, without limiting the generality of the foregoing, the objects of the Ministry are to,

- (a) provide for the custody of persons awaiting trial or convicted of offences;
- (b) establish, maintain and operate correctional institutions;
- (c) provide for the open custody, secure custody and temporary detention of young persons awaiting trial, found guilty or convicted of offences;
- (d) establish, maintain and operate places of open custody, secure custody and temporary detention;
- (e) provide programs and facilities designed to assist in the rehabilitation of inmates and young persons;
- (f) establish and operate a system of parole;

- (g) provide probation services;
- (h) provide supervision of non-custodial dispositions, where appropriate; and
- (i) provide programs for the prevention of crime.

3. Subsection 8 (1) of the said Act is repealed and the following substituted therefor:

Agreements

(1) The Minister, with the approval of the Lieutenant Governor in Council, may, on behalf of the Crown in right of Ontario, make agreements with the Crown in right of Canada or of any province of Canada or with any municipality respecting,

- (a) the exchange of services provided by the Ministry;
- (b) the transfer of inmates or of young persons serving custodial sentences;
- (c) any matter relating to the supervision and rehabilitation of an inmate, parolee, probationer or young person; or
- (d) any matter for the administration of which the Minister is responsible.

Persons
under
sixteen
S.C. 1980-
81-82-83,
c. 110

(1a) With the approval of a provincial director, services may be provided under this Act to a person who is a young person within the meaning of the *Young Offenders Act* (Canada) but not within the meaning of clause 1 (u).

Idem

(1b) A person who is the subject of an approval under subsection (1a) shall be deemed to be a young person for the purposes of this Act.

4. Clause 10 (a) of the said Act is amended by inserting after “(Canada)” in the fourth line “the *Young Offenders Act* (Canada), the *Provincial Offences Act*”.

5. Section 11 of the said Act is repealed and the following substituted therefor:

Designation
of peace
officers

11.—(1) The Minister may designate in writing,

- (a) a person who is an employee of the Ministry or is employed at a place of open custody, secure custody or temporary detention, to be a peace officer

while performing the person's duties and functions;
or

- (b) a class or classes of persons from among the persons described in clause (a), to be peace officers while performing their duties and functions,

and may set out in the designation any conditions or limitations to which it is subject.

(2) A designation under subsection (1) is not a regulation within the meaning of the *Regulations Act*.

Designation
not a
regulation
R.S.O. 1980,
c. 446

6. Subsection 12 (1) of the said Act is amended by striking out "or probationer" in the seventh line and inserting in lieu thereof "probationer or young person".

7. Section 13 of the said Act is repealed and the following substituted therefor:

13. The Lieutenant Governor in Council may pay a compassionate allowance in the prescribed manner and amounts as compensation to an inmate or young person for permanent disability arising from an injury suffered while engaged in an authorized activity at a correctional institution or place of open custody, secure custody or temporary detention or to any other person for injury or damage inflicted upon that person by an inmate or young person while under the custody and supervision of the Ministry.

Compa-
ssionate
allowance

8. Section 16 of the said Act is amended by adding thereto the following subsection:

(3) Subsections (1) and (2) do not apply to young persons. Exception

9. Part III (Parole) of the said Act is amended by adding thereto the following section:

30a. In this Part, "Board" means the Board of Parole Interpretation
continued by section 31.

10. Subsection 42 (3) of the said Act is repealed.

11. Section 44 of the said Act is repealed.

12.—(1) Part V of the said Act is repealed and the following substituted therefor:

PART V**YOUNG PERSONS****Interpretation**

44. In this Part, "Board" means the Custody Review Board established by subsection 50 (1).

**Appointments
by Minister**

45.—(1) The Minister may appoint any person as,

(a) a provincial director, to perform any or all of the duties and functions of a provincial director,

(i) under the *Young Offenders Act* (Canada), and

(ii) under the regulations; and

(b) a youth worker, to perform any or all of the duties and functions of a youth worker,

(i) under the *Young Offenders Act* (Canada), and

(ii) under the regulations.

**Limitations,
etc., on
appointments**

(2) The Minister may set out in an appointment made under subsection (1) any conditions or limitations to which it is subject.

(2) The said Act is amended by adding thereto the following section:

**Secure
and open
temporary
detention
programs**

46.—(1) The Minister may establish,

(a) secure temporary detention programs, in which restrictions are continuously imposed on the liberty of young persons by physical barriers, close staff supervision or limited access to the community; and

(b) open temporary detention programs, in which restrictions that are less stringent than in a secure temporary detention program are imposed on the liberty of young persons,

in places of temporary detention.

**Maximum
and medium
security
custody
programs**

(2) The Minister may establish,

(a) maximum security custody programs, in which restrictions are continuously imposed on the liberty of young persons by physical barriers, close staff supervision or limited access to the community; and

S.C. 1980-
81-82-83,
c. 110

- (b) medium security custody programs, in which restrictions that are less stringent than in a maximum security custody program are imposed on the liberty of young persons,

in places of secure custody.

(3) The said Act is further amended by adding thereto the following section:

47.—(1) Section 19 (provincial bailiffs) applies with necessary modifications to the transfer of young persons in accordance with this Act and the *Young Offenders Act* (Canada). Bailiffs

(2) Subsections 20 (1) and (2) (director or superintendent) apply with necessary modifications to places of open custody, secure custody and temporary detention. Directors,
superintendents

(3) Section 30 (employee interest in contracts) applies with necessary modifications in respect of places of open custody, secure custody and temporary detention and in respect of young persons. Employee
interest in
contracts

(4) The said Act is further amended by adding thereto the following sections:

48.—(1) A young person who is detained under the *Young Offenders Act* (Canada) in a place of temporary detention shall be detained in a place of open temporary detention unless a provincial director determines under subsection (2) that the young person is to be detained in a place of secure temporary detention. Open
detention
unless
provincial
director
determines
otherwise
S.C. 1980-81-
82-83, c. 110

(2) A provincial director may detain a young person who is detained under the *Young Offenders Act* (Canada) in a place of secure temporary detention, Where secure
detention
available

(a) if the young person,

(i) is charged with an offence that includes causing or attempting to cause serious bodily harm to another person,

(ii) has, at any time, failed to appear in court when required to do so under the *Young Offenders Act* (Canada) or the *Juvenile Delinquents Act* (Canada) or escaped or attempted to escape from lawful detention, or

- (iii) has, within the twelve months immediately preceding the offence on which the current charge is based, been convicted of an offence for which an adult would be liable to imprisonment for five years or more; or
- (b) where the provincial director is satisfied that it is necessary to detain the young person in a place of secure temporary detention,
 - (i) to ensure the young person's attendance in court, or
 - (ii) to protect the public interest or safety.

Item
S.C. 1980-
81-82-83,
c. 110

(3) Despite subsection (1), a young person who is detained under the *Young Offenders Act* (Canada) in a place of temporary detention may be detained in a place of secure temporary detention for a period not exceeding twenty-four hours while a provincial director makes a determination in respect of the young person under subsection (2).

Review by
youth court

R.S.O. 1970,
c. C-34

(4) A young person who is being detained in a place of secure temporary detention and is brought before a youth court for a review under the *Criminal Code* (Canada) may request that the youth court review the level of the young person's detention, and the youth court may confirm the provincial director's decision under subsection (2) or may direct that the young person be transferred to a place of open temporary detention.

Medium
rather
than
maximum
security
custody
unless
provincial
director
determines
otherwise

Where
maximum
security
custody
available

49.—(1) A young person who is committed to secure custody under the *Young Offenders Act* (Canada) shall be held in a medium security place of custody unless a provincial director determines under subsection (2) that the young person is to be held in a maximum security place of custody.

(2) A provincial director may place a young person in or transfer a young person to a maximum security place of custody if the young person is committed to secure custody under the *Young Offenders Act* (Canada) and,

- (a) the offence for which the young person is committed to secure custody includes causing or attempting to cause serious bodily harm to another person;

- (b) the young person has, within the twelve months immediately preceding the offence for which the young person is committed to secure custody,
 - (i) been held in a maximum security place of custody, or
 - (ii) been found guilty of an offence for which an adult would be liable to imprisonment for five years or more; or
- (c) the provincial director is satisfied that it would not be appropriate to hold the young person in a medium security place of custody, having regard to,
 - (i) the young person's age and previous history,
 - (ii) the circumstances of the commission of the offence for which the young person is committed to secure custody,
 - (iii) the contents of a pre-disposition report,
 - (iv) the needs of the young person, and
 - (v) the need to protect the public interest and safety.

(3) A provincial director may transfer a young person from a maximum security place of custody to a medium security place of custody if the provincial director is satisfied that the transfer is justified because the young person has made sufficient progress or for some other appropriate reason.

Transfer
from
maximum to
medium
security
custody

(4) A provincial director who makes a determination under this section shall give written reasons for the determination to the young person.

Reasons

50.—(1) The Custody Review Board is established, composed of the prescribed number of full-time and part-time members appointed by the Lieutenant Governor in Council, and has the powers and duties given to it by this Act and the regulations.

Custody
Review
Board

(2) The Lieutenant Governor in Council may appoint a member of the Board as chairman and may appoint one or more other members as vice-chairmen.

Chairman
and
vice-chairmen

(3) A member of the Board shall hold office for the prescribed term.

Term

Quorum (4) The prescribed number of members of the Board is a quorum.

Remuneration of part-time members (5) The members of the Board who are part-time members shall serve without salary but may be paid such expenses and allowances for attendance at meetings and for other attendances in connection with the business of the Board as may be determined by the Lieutenant Governor in Council.

Duties of Board (6) The Board shall conduct reviews under section 51 and perform such other duties as are assigned to it by the regulations.

Application to Board **51.**—(1) A young person may apply to the Board for a review of,

- (a) a provincial director's decision to hold the young person in or transfer the young person to a maximum security place of custody;
- (b) the particular place where the young person is held or to which the young person has been transferred; or
- (c) a provincial director's refusal to authorize the young person's temporary release under section 35 of the *Young Offenders Act (Canada)*,

S.C. 1980-
81-82-83,
c. 110

within thirty days of the decision, placement or transfer, as the case may be.

Duty of Board (2) The Board shall conduct a review with respect to an application made under subsection (1) and may do so by holding a hearing.

Idem (3) The Board shall advise the young person whether it intends to hold a hearing or not within ten days of receiving the young person's application.

Idem (4) The Board shall complete its review and make a determination within thirty days of receiving a young person's application, unless,

- (a) the Board holds a hearing with respect to the application; and
- (b) the young person and the provincial director whose decision is being reviewed consent to a longer period for the Board's determination.

(5) After conducting a review under subsection (2), the Board may,

Board's recommendations

(a) recommend to the provincial director,

- (i) that the young person be transferred to a medium security place of custody,
- (ii) where the Board is of the opinion that the place where the young person is held or to which the young person has been transferred is not appropriate to meet the young person's needs, that the young person be transferred to another place, or
- (iii) that the young person's temporary release be authorized under section 35 of the federal Act; or

(b) confirm the decision, placement or transfer.

(5) The said Act is further amended by adding thereto the following section:

52.—(1) Where a young person is ordered to be detained in custody under subsection 134 (4) or 135 (2) (pre-trial detention) of the *Provincial Offences Act*, the young person shall be detained in a place of temporary detention.

Pre-trial detention

R.S.O. 1980,
c. 400

(2) Where a young person is sentenced to a term of imprisonment under the *Provincial Offences Act*,

Open custody
for provincial
offences

(a) the term of imprisonment shall be served in a place of open custody, subject to subsections (3) and (4);

(b) section 35 (temporary release) of the *Young Offenders Act* (Canada) applies with necessary modifications; and

S.C. 1980-
81-82-83,
c. 110

(c) sections 25, 26, 28 and 29 (rehabilitation programs, work outside institution, remission, early release) and Part III (Parole) apply with necessary modifications.

(3) Where in the opinion of the director or superintendent of a place of open custody a young person held there under clause (2) (a) cannot be safely or securely detained in that place, the director or superintendent may transfer the young person to a place of secure custody to be detained there.

Transfer to
place of
secure
custody

Concurrent
terms

S.C. 1980-
81-82-83,
c. 110

R.S.O. 1980,
c. 400

(4) Where a young person who is committed to secure custody under the *Young Offenders Act* (Canada) is sentenced concurrently to a term of imprisonment under the *Provincial Offences Act*, the term of imprisonment under the *Provincial Offences Act* shall be served in the same place as the disposition under the *Young Offenders Act* (Canada).

(6) The said Act is further amended by adding thereto the following sections:

Interpretation

53.—(1) In this section and in section 54, “young person in custody” means a young person who is detained in a place of temporary detention or committed to secure or open custody under the *Young Offenders Act* (Canada).

No corporal
punishment

(2) A young person in custody shall not be subjected to corporal punishment.

Rights of
communic-
cation, etc.

(3) A young person in custody has a right,

(a) to speak in reasonable privacy with and receive visits from members of the young person’s family regularly;

(b) to speak in reasonable privacy with and receive visits from,

(i) the young person’s solicitor,

(ii) the Ombudsman appointed under the *Ombudsman Act* and members of the Ombudsman’s staff, and

(iii) a member of the Legislative Assembly of Ontario or of the Parliament of Canada; and

(c) to send and receive mail that is not read, examined or censored by another person, subject to subsection (4).

(4) Mail to and from a young person in custody,

(a) may be opened by the director or superintendent or that person’s designate in the young person’s presence and may be inspected for articles prohibited by the director or superintendent;

(b) where the director or superintendent or that person’s designate believes on reasonable grounds that the contents of the mail may be prejudicial to the

Opening,
etc., of
young
person’s
mail

R.S.O. 1980,
c. 325

best interests of the recipient, the public safety or the security of the place of detention or custody, may be examined or read by the director or superintendent or designate and may be withheld from the recipient in whole or in part;

- (c) shall not be examined or read under clause (b) if it is to or from the young person's solicitor, unless there are reasonable and probable grounds to believe that it contains material that is not privileged as a solicitor-client communication; and
- (d) shall not be opened and inspected under clause (a) or examined or read under clause (b) if it is from a person described in subclause (3) (b) (ii) or (iii) (Ombudsman, member of Legislative Assembly, etc.).

(5) A young person in custody has a right,

Personal
liberties

- (a) to have reasonable privacy, and to have possession of the young person's own personal property, except articles prohibited by the director or superintendent; and
- (b) to receive the religious instruction and participate in the religious activities of the young person's choice, subject to subsection (8).

(6) A young person in custody has a right to a plan of care designed to meet the young person's particular needs, which shall be prepared within a reasonable time of admission to the place of detention or custody.

Plan of
care

(7) A young person in custody has a right,

Rights
to care

- (a) to participate in the development of the young person's individual plan of care and in any changes made to it;
- (b) to receive meals that are well-balanced, of good quality and appropriate for the young person;
- (c) to be provided with clothing that is of good quality and appropriate for the young person, given the young person's size and activities and prevailing weather conditions;
- (d) to receive necessary medical and dental care, subject to subsection (8), at regular intervals and when-

ever required, in a community setting whenever possible;

- (e) to participate in appropriate educational, training or work programs, in a community setting whenever possible; and
- (f) to participate in recreational and athletic activities that are appropriate for the young person's aptitudes and interests, in a community setting whenever possible.

Parental
consent, etc.

(8) The parent of a young person in custody retains any right that the parent may have,

- (a) to direct the young person's education and religious upbringing; and
- (b) to give or refuse consent to medical treatment for the young person.

Right to
be heard

(9) A young person in custody has a right to be consulted and to express views whenever significant decisions concerning the young person are made, including decisions with respect to medical treatment, training or work programs, education and religion and decisions with respect to the young person's transfer to another place of detention or custody.

Right to
be informed

(10) A young person in custody has a right to be informed of,

- (a) the young person's rights under this section;
- (b) the internal complaints procedure established under subsection 54 (1) and the further review available under section 55;
- (c) the review procedures available under section 51 (Custody Review Board);
- (d) the young person's responsibilities while in the place of detention or custody; and
- (e) the rules governing day-to-day operation of the place of detention or custody, including disciplinary procedures,

upon admission to the place.

54.—(1) A director or superintendent shall establish a written procedure, in accordance with the regulations, for hearing and dealing with complaints regarding alleged violations of the rights under section 53 of young persons in custody.

(2) A director or superintendent shall conduct a review or ensure that a review is conducted, in accordance with the procedure established under subsection (1), on the complaint of,

- (a) a young person in custody;
- (b) the young person's parent; or
- (c) another person representing the young person,

and shall seek to resolve the complaint.

55.—(1) Where a person referred to in subsection 54 (2) who makes a complaint and is not satisfied with the result of the review conducted under that subsection requests in writing that the Minister appoint a person to conduct a further review of the complaint, the Minister shall appoint a person to do so.

(2) A person appointed under subsection (1) shall review the complaint in accordance with the regulations and may, but is not required to, do so by holding a hearing.

(3) A person appointed under subsection (1) shall, within thirty days after the day of the appointment, complete the review, set out in a report the person's findings and recommendations, including the reasons for not holding a hearing if none was held, and provide copies of the report to,

- (a) the person who made the complaint;
- (b) the director or superintendent; and
- (c) the Minister.

56.—(1) Where the Minister decides to take any action with respect to a complaint after receiving a report under subsection 55 (3), the Minister shall advise the person who made the complaint and the director or superintendent of the decision.

(2) The Minister's decision referred to in subsection (1) does not affect any other remedy that may be available.

Internal
complaints
procedure

Idem

Further
review

Idem

Review and
report within
thirty days

Minister to
advise
persons
affected of
any decision

Remedies
preserved

13. The said Act is further amended by adding thereto the following Part:

PART VI

GENERAL PROVISIONS

Application
of R.S.O.
1980, c. 484

57. The *Statutory Powers Procedure Act* does not apply to proceedings,

- (a) for the discipline or transfer of inmates or young persons;
- (b) for the grievances of inmates or young persons;
- (c) under section 55 (review of young persons' complaints);
- (d) for the authorization of temporary absences for inmates or temporary release for young persons; or
- (e) of the Board of Parole or of the Custody Review Board,

notwithstanding anything in that Act.

Member of
Legislative
Assembly

58. Every member of the Legislative Assembly of Ontario is entitled to enter and inspect any correctional institution, community resource centre or other facility established or designated under this Act for any purpose related to the member's duties and responsibilities as a member of the Legislative Assembly, unless the Minister determines that the institution, community resource centre or facility is insecure or an emergency condition exists in it.

Regulations

59. The Lieutenant Governor in Council may make regulations,

- (a) respecting the operation, management, inspection and classification of correctional institutions;
- (b) respecting the operation, management and inspection of community resource centres;
- (c) respecting the establishment, operation, management and inspection of places of open custody, secure custody and temporary detention;

- (d) designating correctional institutions as reformatories for the purpose of the *Prisons and Reformatories Act* (Canada);
- (e) respecting the treatment, training, employment, discipline, control, grievances and privileges of inmates and young persons;
- (f) requiring the maintenance of records and providing for their destruction;
- (g) respecting the retention and disposal of the property of inmates and young persons;
- (h) providing for the granting of compassionate allowances;
- (i) providing for and establishing criteria for the granting of temporary absences or parole in respect of inmates and temporary release in respect of young persons;
- (j) establishing rules of procedure for the Board of Parole;
- (k) providing for the appointment and remuneration of members of the Board of Parole;
- (l) respecting the duties and powers of directors, superintendents, probation officers, parole officers, correctional officers, other employees of the Ministry and volunteers;
- (m) prescribing additional duties and functions of provincial directors and youth workers;
- (n) prescribing the number of members of the Custody Review Board, their terms of office and the number of members that is a quorum;
- (o) prescribing additional powers, duties and procedures of the Custody Review Board;
- (p) governing internal complaints procedures to be established under section 54;
- (q) establishing procedures for reviews under section 55;

R.S.C. 1970,
c. P-21

- (r) providing for the assessment of inmates and young persons;
- (s) providing for and prescribing fees and charges to recover costs incurred by the Ministry;
- (t) prescribing forms and providing for their use.

14.—(1) Clauses 1 (c), (d) and (e) of the *Young Offenders Implementation Act, 1984*, being chapter 19, are amended by adding at the end thereof in each case “and operated by or for the Minister”.

(2) The said Act is amended by adding thereto the following section:

Approval of
provincial
director for
provision of
services to
person over
sixteen

S.C. 1980-
81-82-83,
c. 110

Person
deemed
to be
young
person

Commencement

Idem

Short title

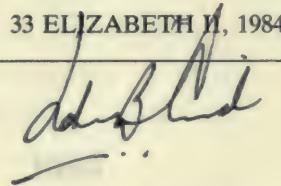
3a.—(1) With the approval of a provincial director, services may be provided under this Act to a person sixteen years of age or more who is a young person within the meaning of the *Young Offenders Act (Canada)* but not within the meaning of clause 1 (i).

(2) A person who is the subject of an approval under subsection (1) shall be deemed to be a young person for the purposes of this Act.

15.—(1) This Act, except subsections 12 (2), (4) and (6), comes into force on the 1st day of April, 1985.

(2) Subsections 12 (2), (4) and (6) come into force on a day to be named by proclamation of the Lieutenant Governor.

16. The short title of this Act is the *Ministry of Correctional Services Amendment Act, 1984*.



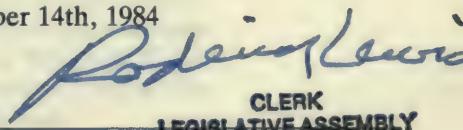
Bill 161

*(Chapter 67
Statutes of Ontario, 1984)*

**An Act for granting to Her Majesty
certain sums of money for the Public Service for
the fiscal year ending the 31st day of March, 1985**

The Hon. L. Grossman
Treasurer of Ontario and Minister of Economics

<i>1st Reading</i>	December 14th, 1984
<i>2nd Reading</i>	December 14th, 1984
<i>3rd Reading</i>	December 14th, 1984
<i>Royal Assent</i>	December 14th, 1984



RODERIC LEWIS
CLERK
LEGISLATIVE ASSEMBLY

200
TAMOULENTAIS

Bill 161**1984**

**An Act for granting to Her Majesty
certain sums of money for the Public Service for
the fiscal year ending the 31st day of March, 1985**

MOST GRACIOUS SOVEREIGN:

Whereas it appears by messages from the Honourable John B. Aird, Lieutenant Governor of the Province of Ontario, and from the estimates and supplementary estimates accompanying the same, that the sums mentioned in the Schedule to this Act are required to defray certain charges and expenses of the public service of this Province, not otherwise provided for, for the fiscal year ending the 31st day of March, 1985; may it therefore please Your Majesty that it be enacted and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows:

1.—(1) There may be paid out of the Consolidated Revenue Fund a sum not exceeding in the whole \$23,250,850,100 to be applied towards defraying the several charges and expenses of the public service, not otherwise provided for, from the 1st day of April, 1984, to the 31st day of March, 1985, as set forth in the Schedule to this Act, and, subject to subsection (2), such sum shall be paid and applied only in accordance with the votes and items of the estimates and supplementary estimates upon which the Schedule is based.

\$23,250,850,100
granted for
fiscal year
1984-85

(2) Where, in the fiscal year ending the 31st day of March, 1985, powers and duties are assigned and transferred from one minister of the Crown to another minister of the Crown, the appropriate sums in the votes and items of the estimates and supplementary estimates upon which the Schedule is based that are approved to defray the charges and expenses of the public service in the exercise and performance of such powers and duties, may be assigned and transferred from time to time as required by certificate of the Management Board of Cabinet to the ministry administered by the minister to whom the powers and duties are so assigned and transferred.

Exception

Accounting
for
expenditure

2. The due application of all moneys expended under this Act shall be accounted for to Her Majesty.

Commencement

3. This Act comes into force on the day it receives Royal Assent.

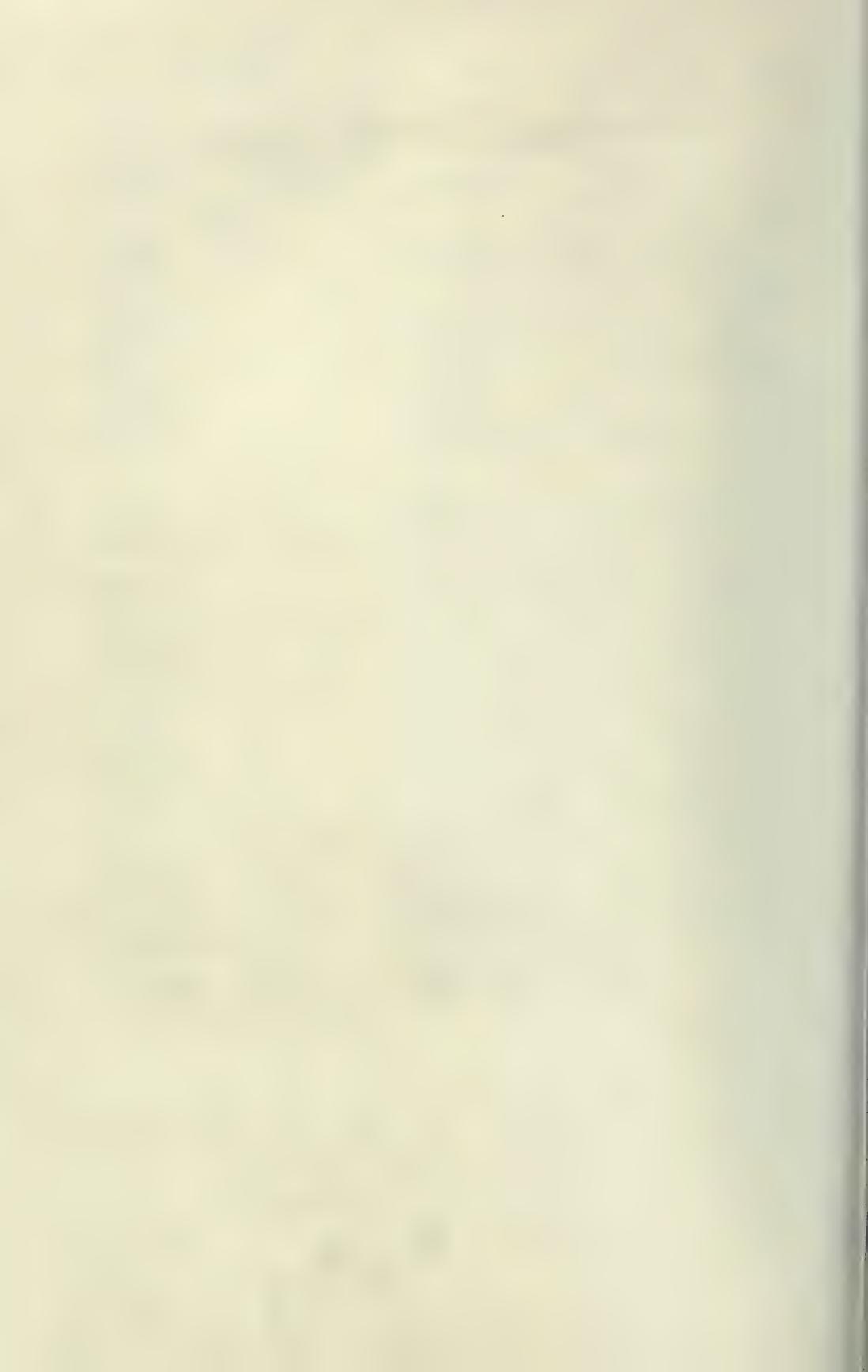
Short title

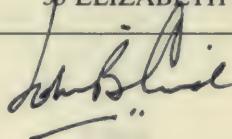
4. The short title of this Act is the *Supply Act, 1984*.

SCHEDULE

	ESTIMATES \$	SUPPLEMENTARY ESTIMATES \$	TOTAL \$
Office of the Lieutenant Governor.....	393,300		393,300
Office of the Premier	2,413,000		2,413,000
Cabinet Office	1,635,700		1,635,700
Office of the Deputy Premier.....	5,688,600		5,688,600
Management Board.....	176,392,900		176,392,900
Government Services.....	383,873,700		383,873,700
Intergovernmental Affairs	7,998,300		7,998,300
Northern Affairs.....	159,397,100		159,397,100
Revenue	630,853,000		630,853,000
Treasury and Economics.....	676,802,000		676,802,000
Office of the Assembly.....	32,779,600	2,520,200	35,299,800
Office of the Provincial Auditor	4,151,900		4,151,900
Office of the Ombudsman.....	5,596,000	279,000	5,875,000
Justice Policy	1,506,500		1,506,500
Attorney General	265,677,000		265,677,000
Consumer and Commercial Relations	112,873,900		112,873,900
Correctional Services.....	227,610,000		227,610,000
Solicitor General	306,588,400		306,588,400
Resources Development Policy	3,649,700		3,649,700
Agriculture and Food	286,660,100		286,660,100
Energy.....	116,356,300		116,356,300
Environment.....	309,890,500		309,890,500
Industry and Trade	77,826,800		77,826,800
Labour	71,681,300		71,681,300
Municipal Affairs and Housing	1,034,472,000		1,034,472,000
Natural Resources	421,976,500		421,976,500
Tourism and Recreation	123,094,800		123,094,800
Transportation and Communications	1,539,323,500		1,539,323,500
Social Development Policy	11,468,600		11,468,600
Citizenship and Culture	171,332,000		171,332,000
Colleges and Universities	2,103,276,000		2,103,276,000
Community and Social Services	2,509,834,700		2,509,834,700
Education.....	3,222,966,200		3,222,966,200
Health	8,242,011,000		8,242,011,000
TOTAL	23,248,050,900	2,799,200	23,250,850,100







Bill Pr1

*(Chapter Pr1
Statutes of Ontario, 1984)*

An Act to revive Moramos Holding Club of Essex

Mr. Cooke

<i>1st Reading</i>	March 23rd, 1984
<i>2nd Reading</i>	May 1st, 1984
<i>3rd Reading</i>	May 1st, 1984
<i>Royal Assent</i>	May 1st, 1984



Rodger Lewis
CLERK
LEGISLATIVE ASSEMBLY



Laura

With love & admiration,
John C. Calhoun.

Friendship & mutual confidence are the best
protection against all the ills of life.

John C. Calhoun

John C. Calhoun
1782-1850
U.S. Senator
1832-1843
Secretary of State
1844-1845

John C. Calhoun
1782-1850
U.S. Senator
1832-1843
Secretary of State
1844-1845

Bill Pr1**1984****An Act to revive Moramos Holding Club of Essex**

Whereas Arthur Radu, Ernest King and Thomas Banks hereby represent that Moramos Holding Club of Essex, herein called the Corporation, was incorporated by letters patent dated the 22nd day of October, 1971; that the Minister of Consumer and Commercial Relations by order dated the 17th day of July, 1979 and made under the authority of subsection 347 (9) of *The Corporations Act*, being chapter 89 of the Revised Statutes of Ontario, 1970, cancelled the letters patent of the Corporation for default in complying with section 5 of *The Corporations Information Act, 1976*, being chapter 66, and declared the Corporation to be dissolved on the 17th day of July, 1979; that the applicants were members of the Corporation at the time of its dissolution and are members of the on-going organization carried on in its name; that the applicant Arthur Radu was a director of the Corporation at the time of its dissolution and is an officer of the on-going organization; that the applicants Ernest King and Thomas Banks were officers of the Corporation at the time of its dissolution and are officers of the on-going organization; that the default occurred by reason of inadvertence; that none of the applicants was aware of the dissolution of the Corporation until more than two years after the date thereof; that the function of the Corporation was to represent the continuing realty interests of the Moramos Shrine Club of Windsor, Ontario; that the Corporation at the time of its dissolution was performing that function and since that time that function has continued to be carried on in the name of the Corporation; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Moramos Holding Club of Essex is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a corporation incorporated by letters patent, including all its property,

Revival

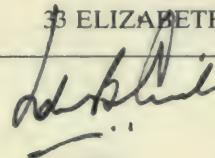
rights, privileges and franchises and subject to all its liabilities, contract, disabilities and debts as at the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Moramos Holding Club of Essex Act, 1984*.



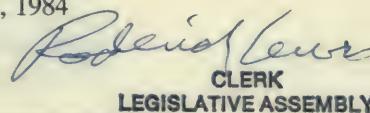
Bill Pr2

*(Chapter Pr15
Statutes of Ontario, 1984)*

An Act to revive Marquis Video Corporation

Mr. Cousins

<i>1st Reading</i>	October 11th, 1984
<i>2nd Reading</i>	November 23rd, 1984
<i>3rd Reading</i>	November 23rd, 1984
<i>Royal Assent</i>	November 27th, 1984



Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY

the first time in the history of the world, the
whole of the human race has been gathered
together in one place.

THE WORLD'S FAIR

—The World's Fair is a great exhibition of
the products of all nations.

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the products of all nations.

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the products of all nations.

Bill Pr2**1984****An Act to revive Marquis Video Corporation**

Whereas Phil Lubman and Michael Angelo Cohen hereby represent that Marquis Video Corporation, herein called the Corporation, was incorporated by certificate of incorporation dated the 8th day of July, 1981; that the Minister of Consumer and Commercial Relations by order dated the 16th day of December, 1982 and made under the authority of section 241 of the *Business Corporations Act*, being chapter 54 of the Revised Statutes of Ontario, 1980, cancelled the certificate of incorporation of the Corporation for failure to comply with the *Corporations Information Act*, being chapter 96 of the Revised Statutes of Ontario, 1980, and declared the Corporation to be dissolved on the 16th day of December, 1982; that Phil Lubman and Michael Angelo Cohen were all the directors and the holders of the common shares of the Corporation at the time of its dissolution; and that Phil Lubman and Michael Angelo Cohen are the persons entitled to be the shareholders of the Corporation upon its revival; that failure to comply occurred by reason of inadvertence; that the Corporation at the time of its dissolution was carrying on active business and active business has continued to be carried on in the name of the Corporation since the time of its dissolution; and whereas the applicants hereby apply for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Marquis Video Corporation is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts, as at the date of its dissolution, in the same manner and to the same extent as if it had not been dissolved.

Revival

Commence-
ment

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Marquis Video Corporation Act, 1984*.

Bill Pr3

*(Chapter Pr6
Statutes of Ontario, 1984)*

An Act respecting the City of Toronto

Mr. Shymko

<i>1st Reading</i>	March 26th, 1984
<i>2nd Reading</i>	May 8th, 1984
<i>3rd Reading</i>	May 8th, 1984
<i>Royal Assent</i>	May 17th, 1984

RODENICK LEWIS
CLERK
LEGISLATIVE ASSEMBLY

every day

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REGISTRATION FORM

Bill Pr3**1984****An Act respecting the City of Toronto**

Whereas The Corporation of the City of Toronto, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this section, “dwelling unit” means a room or suite of two or more rooms designed or intended for use by one or more persons as living accommodation in which culinary and sanitary conveniences are provided for the exclusive use of such person or persons. Interpretation

(2) Notwithstanding subsection 33 (6) of the *Planning Act*, 1983 or subsections 34 (4) and 44 (2) of the *Ontario Heritage Act*, the council of the Corporation may in an application for a demolition permit under section 33 of the *Planning Act*, 1983, where a building permit has been issued to erect a new building on the site of the residential property sought to be demolished, refuse to issue a demolition permit for the demolition of any building containing six or more dwelling units for a period of not more than 365 days from the date of the receipt by the clerk of the Corporation of the application for a demolition permit for the residential property sought to be demolished or from the date of the issuance of the building permit for the new building, whichever is later.

Council may
refuse to
issue
demolition
permit
1983, c. 1
R.S.O. 1980,
c. 337

(3) This section does not apply where the building sought to be demolished is, Non-application

- (a) the subject of an order for demolition under subsection 10 (4) of the *Building Code Act*; R.S.O. 1980,
c. 51
- (b) built to a residential density which is 50 per cent or less of the maximum residential density which the council may by by-law permit under the official plan for the City of Toronto; or

R.S.O. 1980,
c. 166

When permit
to issue

Saving
R.S.O. 1980,
c. 51

Deemed
revocation of
demolition
permit

Time period
may be
varied

No
derogation
of powers of
council

Hearing by
council

Enforcement
1983, c. 1

Acquisition
of land

- (c) the subject of an order or direction of removal under the *Fire Marshals Act*.

(4) At the end of the period specified under subsection (2) or as varied or extended under subsection (7), the council shall issue a demolition permit if the building permit to erect a new building on the site of the residential property sought to be demolished has not been lawfully revoked.

(5) Notwithstanding clauses 6 (4) (b) and (c) of the *Building Code Act*, no building permit shall be revoked by reason only of,

- (a) a failure to commence construction; or
- (b) a suspension or discontinuance of construction,

because a demolition permit has been refused under this Act.

(6) Where a demolition permit has been issued with respect to any building containing six or more dwelling units and the building permit for the new construction is revoked, the demolition permit shall be deemed to be revoked and this section shall apply to any subsequent application for a demolition permit in respect of the building for which the original demolition permit was issued as if the original application had not been made and the original building permit had not been issued.

(7) The applicant and the council may agree to decrease or increase the time specified under subsection (2) and may agree to extend the time beyond the maximum period provided under that subsection.

(8) Nothing in this section shall derogate from the authority of the council to refuse to issue a demolition permit under any Act where, had this section not been enacted, the council would be entitled to refuse to issue a demolition permit.

(9) The council shall allow, in an application for a demolition permit to which subsection (2) applies, the applicant an opportunity to be heard before making its decision.

(10) Where the council refuses to issue a demolition permit for any building under this section and the building or any portion thereof is demolished, subsections 33 (2) and (13) of the *Planning Act, 1983* apply with necessary modifications.

(11) The Corporation may acquire by purchase, lease or otherwise any land that is the site of a residential property or

part thereof that is subject to a refusal under subsection (2), including any interest therein and any residential property located thereon, and may,

- (a) rehabilitate, convert, repair or otherwise improve any building on such land;
- (b) manage, maintain or operate any such building; and
- (c) with the approval of the Minister of Municipal Affairs and Housing, sell, lease or otherwise dispose of for nominal consideration or otherwise any such land or building.

(12) Notwithstanding subsection (4) where, prior to the expiry of the period specified under subsection (2) or as varied or extended under subsection (7), an application is made for approval under section 4 of the *Expropriations Act* with respect to any land or part thereof that is the site of a residential property, the application operates as a stay of the requirement under subsection (4) to issue a demolition permit if the City proceeds expeditiously to have the subject land vested in the City under section 9 of that Act.

Stay where
proceedings
commenced
under
R.S.O. 1980,
c. 148

(13) Where an application for a demolition permit is withdrawn by the applicant prior to the end of the period specified under subsection (2) or as varied or extended under subsection (7), no applications for a demolition permit with respect to all or part of the subject building may be filed with the clerk for a period of 365 days from the date of withdrawal without the consent of the council.

Effect of
withdrawal of
demolition
permit

2. This Act comes into force on the day it receives Royal Assent. Commencement

3. The short title of this Act is the *City of Toronto Act*, 1984. Short title

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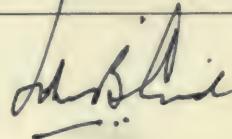
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Bill Pr4

*(Chapter Pr2
Statutes of Ontario, 1984)*

An Act to incorporate Central Baptist Seminary and Bible College

Mr. Williams

<i>1st Reading</i>	March 23rd, 1984
<i>2nd Reading</i>	May 1st, 1984
<i>3rd Reading</i>	May 1st, 1984
<i>Royal Assent</i>	May 1st, 1984



CLERK
LEGISLATIVE ASSEMBLY

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Bill Pr4**1984**

**An Act to incorporate Central Baptist Seminary
and Bible College**

Whereas the Central Baptist Seminary hereby represents that it was incorporated by letters patent, dated the 15th day of June, 1949 under the name "Central Baptist Seminary" for the purpose of establishing and maintaining a seminary or school for the education and training of students preparing for Christian work at home and abroad as pastors, missionaries, evangelists, directors of Christian education, deaconesses and Bible School teachers and for biblical training of lay persons, together with such other Christian work and printing, publishing, distributing and selling books and other printed matter; that since that time it has been granting the degrees of Licentiate in Theology, Bachelor of Theology, Bachelor of Religious Education, Master of Divinity, Master of Theology, and Master of Religious Education and Master of Ministries; and whereas the applicant hereby applies for special legislation providing for the continuance of its organization, government and administration, to exercise suitable powers, rights and privileges, including the power to grant appropriate degrees in the field of religious study; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpretation

- (a) "Alumni Association" means the alumni association of individuals who have received degrees, diplomas or certificates from the Seminary;
- (b) "Biennial Convention" means the convention of appointed messengers from supporting churches of the Fellowship of Evangelical Baptist Churches in Canada called every second year for the purposes of receiving reports and electing directors to the Board of the Seminary;

- (c) "Board" means the Board of Directors of the Seminary;
- (d) "Charter Corporation" means the Central Baptist Seminary as it existed immediately prior to the coming into force of this Act;
- (e) "faculty" means all persons employed by the Seminary to teach and give instruction at the Seminary;
- (f) "Seminary" means the Central Baptist Seminary and Bible College as incorporated by this Act.

Application
of R.S.O.
1980,
c. 95

Charter
corporation
re-
incorporated

Rights and
liabilities
continued

By-laws,
etc.,
continued

Charter
Corporation
dissolved

Objects

Board of
Directors

Composition

(2) The *Corporations Act* applies to the Seminary except to the extent that it is inconsistent with this Act.

2.—(1) The Board of Directors of the Seminary is hereby constituted a body corporate with perpetual succession and a common seal under the name of "Central Baptist Seminary and Bible College".

(2) The property, rights, privileges and powers of the Charter Corporation are hereby continued and vested in the Seminary and liabilities of the Charter Corporation together with the benefits and burdens of all contracts and covenants of the Charter Corporation are hereby continued in and assumed by the Seminary.

(3) Subject to this Act, all by-laws, resolutions and appointments of the Charter Corporation shall continue as by-laws, resolutions and appointments of the Seminary until amended, repealed or revoked.

(4) The Charter Corporation is dissolved on the day this Act comes into force.

3. The objects of the Seminary are to educate and train men and women for Christian work at home and abroad as pastors, missionaries, evangelists, directors of Christian education, deaconesses and Bible School teachers.

4.—(1) The affairs of the Seminary shall be managed by the Board.

(2) The Board shall be composed of,

- (a) eleven members elected for a term of four years by delegates to the Biennial Convention;
- (b) the president of the Seminary; and

(c) the president of the Alumni Association.

(3) The persons referred to in clauses (2) (a) and (b) and only those persons have the right to vote on matters dealt with by the Board. Voting

(4) Delegates to the Biennial Convention shall consist of the pastor and two elected messengers from churches within the Fellowship of Evangelical Baptist Churches in Canada and from other supporting Evangelical Baptist churches. Delegates

(5) The Board may by by-law provide for the election and retirement in rotation of the first members of the Board elected under clause (2) (a) and may determine that one or more of the first members so elected shall serve for an initial term of less than four years. Staggered terms

(6) No person shall be elected as a member of the Board unless the person is a Canadian citizen and a member in good standing of a member congregation of the Fellowship of Evangelical Baptist Churches. Qualifications

(7) Until the Board is reconstituted in accordance with subsection (2), the members of the Board shall be the persons named in the Schedule. First members

(8) Members of the Board shall be elected for a term of four years and are eligible for re-election if otherwise qualified. Re-election

(9) No member may be elected for more than two consecutive terms. Maximum term

(10) No member who has served for two consecutive terms is eligible for re-election until the expiration of one year after the end of the second term. Break in service

(11) Where a vacancy occurs among the elected members of the Board the remaining members of the Board shall forthwith call a meeting of the Board to elect a new member to fill the vacancy on the Board for the balance of the unexpired term of the vacating member. Vacancies

(12) Unless the by-laws otherwise provide, six members of the Board constitute a quorum for the transaction of business but, in no case shall a quorum be less than two-fifths of the Board. Quorum

(13) Questions arising at any meeting of the Board shall be decided by a majority of votes. Majority vote

Deciding
vote

(14) In case of an equality of votes, the chairman of the Board, in addition to his original vote, shall have a second and deciding vote.

Powers
of Board

5. The government, conduct, management and control of the Seminary and of its property, revenues, expenditures, business and affairs are vested in the Board and the Board has all powers necessary or convenient to perform its duties and achieve the objects and purposes of the Seminary including, without limiting the generality of the foregoing, the power,

- (a) to enact by-laws for the conduct of its affairs;
- (b) to establish and terminate programmes and courses of study after consideration of the recommendations, if any, of the Academic Council;
- (c) to establish, change and terminate academic units and programmes within the Seminary and determine the powers and duties of any such unit;
- (d) to approve the degrees granted by the Academic Council;
- (e) to appoint, promote, suspend and remove administrative officers of the Seminary and the members of the administrative staff;
- (f) to appoint and promote the academic officers and members of the faculty;
- (g) to grant leave to and to suspend and remove the academic officers and members of the faculty;
- (h) to define the duties of the academic officers, the faculty, the administrative officers and the administrative staff, fix their salaries and remuneration, and provide for such further benefits, provision for retirement, as the Board considers appropriate;
- (i) to make such rules and regulations respecting the discipline and dismissal of students as the Board considers necessary;
- (j) to appoint committees and to delegate to a committee the power and authority to act for the Board with respect to any matter or class of matters where a majority of the members of the committee are members of the Board;

- (k) to federate or affiliate the Seminary with any other institution of higher learning and to dissolve any such federation or affiliation or any existing federation or affiliation or modify or alter the terms thereof;
- (l) to establish and collect fees and charges for tuition and services of any kind offered by the Seminary and to collect fees and charges on behalf of any entity, organization or element of the Seminary;
- (m) to borrow money for the purposes of the Seminary and give security therefor on such terms and in such amounts as it considers advisable;
- (n) to invest all money that comes into the Seminary that is not required to be expended in such manner as it considers advisable and, except where a trust instrument otherwise directs, to combine trust monies belonging to those trusts into a common trust fund;
- (o) to acquire, accept, solicit or receive, by purchase, lease, deed, contract, donation, legacy, gift, grant, bequest, devise or otherwise, any kind of property and to enter into and carry out agreements, contracts and undertakings incidental thereto and to hold any such property for the purpose of drawing revenues therefrom, and to sell, lease, mortgage, dispose of and convey the same or any part thereof or interest therein as the Board considers advisable;
- (p) to hold, manage, sell or convert any of the real or personal property owned by the Seminary and to invest and reinvest any principal in such manner as it considers advisable;
- (q) to acquire and maintain such real property, equipment and furnishings as the Board considers necessary for the operation of the Seminary;
- (r) to acquire, accept, solicit or receive any gift;
- (s) to make such rules and regulations as the Board considers necessary respecting the management and control of residences and dining halls and the property and operation of the Seminary in general;
- (t) to appoint a member or members of the Board or any other person or persons to execute, specifically

or in general, on behalf of the Board documents and other instruments and to affix the corporate seal of the Seminary thereto;

- (u) to enact by-laws to regulate the admission of persons who are in good standing with member congregations of the Fellowship of Evangelical Churches of Canada, who are in full accord with and subscribe to the doctrinal statement as set out in the by-law and who are in agreement with the philosophy and objects of the Seminary as members of the Board;
- (v) to make recommendations from time to time to the Biennial Convention to amend the doctrinal statement of the Seminary;
- (w) to adopt the doctrinal statement of the Seminary as amended from time to time;
- (x) to create one or more advisory bodies and to determine the composition, functions and procedures of any such body; and
- (y) to confer upon deserving recipients the degree of Doctor of Divinity, *honoris causa*, in recognition of meritorious attainment in Christian scholarship or Ministry.

Officers

6.—(1) There shall be a chairman and vice-chairman, a secretary and a treasurer, or in lieu of a secretary and a treasurer, a secretary-treasurer of the Board and such other officers as the Board may determine from time to time.

Chairman
and vice-chairman

(2) The chairman and vice-chairman of the Board shall be elected by the Board from among the Directors elected under clause 4 (2) (a) at the first meeting of the Board after the Biennial Convention, and the chairman and vice-chairman shall hold office until their successors are elected.

Secretary
and
treasurer

(3) The secretary and treasurer or secretary-treasurer of the Board and any other officers that are appointed by the Board need not be members of the Board.

Absence of
chairman

(4) The chairman of the Board shall preside at meetings of the Board, and in his absence, the vice-chairman shall preside.

Executive
Committee

(5) There shall be elected by the Board, an Executive Committee consisting of three directors and the president of the Seminary.

(6) If any office referred to in this section is vacant or, if for any reason, any officer is unable to act, the Board may designate another eligible person to fill the vacancy or to act in lieu of the officer. Vacancy

7.—(1) The Seminary shall be administered by a president and dean appointed by and under the direction of the Board. President and dean

(2) The president shall,

Duties of president

(a) be responsible for the direction of the administrative staff and the faculty and, as a Board member, may participate in all Board meetings except when the subject-matter of any meeting relates directly to the president or the salary of the president; and

(b) be the chairman of the Academic Council.

(3) The dean shall,

Duties of dean

(a) have general responsibility for the planning and implementation of curriculum and the supervision of academic life;

(b) recommend faculty to the Board; and

(c) serve as liaison between the Board and the faculty.

8.—(1) There shall be an Academic Council of the Seminary composed of, Academic Council

(a) the president of the Seminary;

(b) the dean of the Seminary; and

(c) all full-time faculty members.

(2) The Academic Council has the following powers and duties: Powers of the Academic Council

1. To make recommendations to the Board to establish and terminate programmes and courses of study.
2. To determine the curricula of all programmes and courses of study, standards of admission to the Seminary and continued registration therein, and the qualifications for graduation.

3. To conduct examinations, appoint examiners and decide all matters related to examinations and the appointment of examiners.
4. To award fellowships, scholarships, bursaries, medals, prizes and other marks of academic achievement.
5. To award certificates and to grant, subject to Board approval, degrees of Licentiate in Theology, Bachelor of Theology, Bachelor of Religious Education, Bachelor of Religious Studies, Master of Divinity, Master of Theology, Master of Religious Studies, Master of Religious Education and Master of Ministries.
6. To appoint committees and delegate thereto the power and authority to act for them with respect to any matter or class of matters set out in paragraphs 1 to 5, but where the power and authority to act are delegated to a committee, a majority of the members of the committee shall be members of the Academic Council or the faculty or a combination thereof.
7. To determine the number of faculty appointed to the Academic Council and to determine the term of office of one, two or three years, as the case may be, for each member.
8. To determine the procedures to be followed in the election of members of the Academic Council, to conduct the elections and to determine any dispute as to the eligibility of a candidate at an election or of a person to vote thereat.
9. To determine the procedures to be followed in the conduct of its affairs.
10. To do all things necessary for carrying out the powers and duties as set out in paragraphs 1 to 9.

9.—(1) Subject to subsections (2) and (3), the meetings of the Board and the Academic Council shall be open to the public and prior notice of meetings shall be given to the members of the Board or the Academic Council, as the case may be, and to the public in such manner as the Board or Academic Council shall respectively determine and no persons shall be excluded from a meeting except for improper conduct

as determined by the Board or the Academic Council, as the case may be.

(2) Where a matter is confidential to the Seminary, that part of a meeting of the Board or the Academic Council concerning that matter may be held *in camera*.

Confidential
matters

(3) Where a matter of a personal nature concerning an individual may be considered at a meeting of the Board or Academic Council, that part of the meeting concerning the individual shall be held *in camera* unless the individual and the Board agree that that part of the meeting be open to the public.

Personal
matters

10.—(1) The Seminary shall publish its by-laws from time to time in such manner as it considers proper.

Publication
of by-laws

(2) The by-laws of the Seminary shall be open to examination by the public during the normal office hours of the Seminary.

Inspection

11.—(1) The Board shall appoint one or more auditors licensed under the *Public Accountancy Act* to audit the accounts and transactions of the Seminary annually.

Auditors
R.S.O. 1980,
c. 405

(2) The annual audited statements of the Seminary shall be made available to all supporters of the Seminary in such manner as the Board determines.

Annual
audited
statements

(3) The fiscal year of the Seminary shall be as established by the Board.

Fiscal
year

12. All property granted, conveyed, devised or bequeathed to the Charter Corporation, any of its divisions or departments, the Seminary or any person in trust for the benefit of any of them, vests in the Seminary, subject to any trust affecting the property.

Property

13. For the purposes of construing any document, unless the contrary intention appears, a reference to the Charter Corporation or any of its divisions or departments shall be construed to refer to the Seminary.

References
to Charter
Corporation

14. The Seminary shall be carried on without the purpose of gain for the members of the Board and any surplus or other accretions to the Seminary shall be used in promoting its objects.

Non-profit
corporation

15. In the event of the dissolution or winding up of the Seminary, all its remaining property, after the payment of all

Dissolution

debts and liabilities, shall be distributed to one or more recognized charitable organizations or foundations in Canada having objects of a religious nature as similar as possible to those of the Seminary.

Commencement

16. This Act comes into force on the day it receives Royal Assent.

Short title

17. The short title of this Act is the *Central Baptist Seminary and Bible College Act, 1984*.

SCHEDULE

First Board of Directors of Central Baptist Seminary:

Rev. Jack A. Hannah

Mr. Theodore R. Flemming

Mr. Gordon Stephenson

Mr. David Allison

Dr. Lillian Beattie

Dr. Robert E. J. Brackstone

Rev. Glen R. Goodhand

Dr. W. Halley MacBain

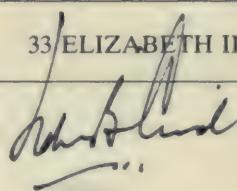
Mr. Murray Pipe

Rev. Stuart N. Silvester

Mr. David Welsh

Rev. George D. Bell (*President-ex-officio*) (as of July 1, 1983)

Rev. Barry Duguid (*Alumni President-ex-officio*)



Bill Pr6

(*Chapter Pr7*
Statutes of Ontario, 1984)

An Act respecting the City of Kitchener

Mr. Breithaupt

<i>1st Reading</i>	March 27th, 1984
<i>2nd Reading</i>	May 8th, 1984
<i>3rd Reading</i>	May 8th, 1984
<i>Royal Assent</i>	May 17th, 1984



CLERK
LEGISLATIVE ASSEMBLY

245

Bill Pr6**1984****An Act respecting the City of Kitchener**

Whereas The Corporation of the City of Kitchener hereby applies for special legislation in respect of the matters herein-after set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The council of The Corporation of the City of Kitchener may pass by-laws,

By-laws
related
to dogs

- (a) for requiring any person who owns or harbours a dog to keep the dog under the control of some person and leashed or within such distance of that person as may be set out in the by-law unless the dog is on the lands of,
 - (i) the person who owns or harbours it, or
 - (ii) a person who has consented to the dog being on the lands while it is unleashed;
- (b) for prohibiting any person who owns or harbours a dog from permitting the dog to trespass on private property;
- (c) for requiring any person who owns or harbours a dog to remove forthwith any excrement left by the dog on any property or class of property in the municipality and for excluding from the operation of the by-law such class or classes of persons as may be set out in the by-law; and
- (d) for exempting dog guides, in whole or in part, from any provision of a by-law passed by the council of the Corporation respecting dog licences, subject to such terms and conditions as may be set out in the by-law.

Appointments
confirmed

2. The appointments of Mr. F.R. Hoddle, Mr. F. Janke and Mr. R.N. Wagner as directors of The Centre in the Square Inc. for a term of three years, commencing on the 1st day of December, 1983, and expiring on the 30th day of November, 1986, are hereby ratified and confirmed.

3. Subsection 4 (1) of the *City of Kitchener Act, 1981*, being chapter 90, as re-enacted by the Statutes of Ontario, 1983, chapter Pr5, section 2, is repealed and the following substituted therefor:

Board of
directors

(1) The Board shall be composed of ten directors as follows:

1. The mayor of the City.
2. Three directors, other than the mayor of the City, who shall be members of council.
3. Six directors who shall not be members of council.

4. Section 3 of the *City of Kitchener Act, 1983*, being chapter Pr5, is repealed.

Commence-
ment

5.—(1) This Act, except sections 2 to 4, comes into force on the day it receives Royal Assent.

Idem

(2) Sections 2 to 4 shall be deemed to have come into force on the 1st day of December, 1983.

Short title

6. The short title of this Act is the *City of Kitchener Act, 1984*.



Bill Pr7

*(Chapter Pr16
Statutes of Ontario, 1984)*

An Act respecting the London Regional Art Gallery

Mr. Van Horne

<i>1st Reading</i>	October 11th, 1984
<i>2nd Reading</i>	November 23rd, 1984
<i>3rd Reading</i>	November 23rd, 1984
<i>Royal Assent</i>	November 27th, 1984



CLERK
LEGISLATIVE ASSEMBLY

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Bill Pr7**1984****An Act respecting the London Regional Art Gallery**

Whereas The Corporation of the City of London hereby applies for special legislation in respect of the matters herein-after set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpretation

- (a) "Board" means the Board of Directors of the Gallery;
- (b) "Corporation" means The Corporation of the City of London;
- (c) "Gallery" means London Regional Art Gallery;
- (d) "General Membership" means the General Membership referred to in section 6.

2.—(1) London Regional Art Gallery is hereby continuedGallery
continued

as a non-profit corporation without share capital.

(2) The objects of the Gallery are,

Objects

- (a) to collect, preserve, house and display art of all forms;
- (b) to promote interest in, and advance the study, knowledge and appreciation of, art of all forms;
- (c) to provide facilities for the preservation, storage, housing and display of art of all forms; and
- (d) to provide for education and instruction in art of all forms and for facilities for such education and instruction.

Board of
directors

3.—(1) The Gallery shall be under the management, regulation and control of a board of directors consisting of,

- (a) one person appointed by and from the council of the Corporation for such term of office not exceeding three years as the council shall decide;
- (b) one person appointed by and from The London Public Library Board for such term of office not exceeding three years as the library board shall decide;
- (c) one person elected by and from Canadian Artists' Representation for such term of office not exceeding three years as Canadian Artists' Representation shall decide;
- (d) two persons elected by and from the Volunteer Committee of the Gallery for such term of office not exceeding three years as the Volunteer Committee shall decide;
- (e) eight persons elected by and from the General Membership for such term of office not exceeding three years as the General Membership shall decide; and
- (f) five persons elected under subsection (2) for such term of office not exceeding three years as the Board shall decide.

Idem

(2) The directors appointed or elected under clauses (1) (a) to (e) shall elect the five directors referred to in clause (1) (f) and one of the five directors shall be a professional artist residing in the City of London and who is not a member of Canadian Artists' Representation.

Idem

(3) The Board and the electing and appointing bodies referred to in clauses (1) (a) to (e) shall, in consultation with each other, stagger or vary the length of the terms of office of directors appointed or elected by them so that as nearly as possible the terms of office of four directors shall expire annually and where the Board and the electing and appointing bodies are unable to agree on the order in which directors' terms are to expire, the Board shall determine the matter.

Idem

(4) The failure to appoint or elect a director as provided in subsection (1), (2) or (6) does not invalidate the composition of the Board or impair the powers of the Board or of the remaining directors and, where a default continues for three

months after an appointment or election should have been made, the remaining directors may, but are not obliged to, elect a director to fill the vacancy.

(5) A vacancy on the Board occurs when a director resigns, dies or becomes incapable of acting as a director or where the Board by resolution entered upon its minutes declares the seat of a director to be vacant by reason of his or her absence from three consecutive meetings of the Board without being authorized so to do by the Board.

(6) Where a vacancy on the Board occurs before the term of office for which a person has been appointed or elected has expired, the vacancy may be filled by the same authority which appointed or elected the person whose seat is vacant, and a person so appointed or elected shall hold office for the remainder of the term of office of the person whose seat is vacant.

(7) Directors shall hold office until their successors are appointed or elected and, subject to subsection (8), are eligible for reappointment or re-election.

(8) No director shall hold office for more than two consecutive terms commencing after this section comes into force excluding therefrom a term reduced under subsection (3) or the balance of an unexpired term for a person appointed or elected to the Board under subsection (6), but any such director shall again be eligible for reappointment or re-election after a lapse of one year after the expiration of the second of the two consecutive terms.

(9) The directors shall serve without compensation, and no director shall, directly or indirectly, receive any profit as such but reasonable expenses incurred by any director in the performance of his or her duty may be paid.

(10) The term of office of the directors of the Gallery in office when this Act comes into force shall expire ninety days after the date this Act comes into force.

4. The Board shall appoint or elect a president and a vice-president annually from among the directors and may provide that, upon the expiration of the term of office of the president, the vice-president shall become the president of the Board.

5.—(1) The Board may elect from among the directors an executive committee consisting of six directors and the Board may delegate to the executive committee any powers of the

Board
vacancy

Idem

Reappointment

Idem

Directors to
serve without
compensation

Transition

President and
vice-president

Executive
committee

Board subject to any restrictions imposed from time to time by the Board.

Quorum

(2) The executive committee may fix its quorum which shall be not less than one-half of its members and no business shall be transacted by the executive committee except at a meeting of its members at which a quorum of the executive committee is present.

Committees

(3) The Board may establish such other committees as the Board considers necessary and may delegate to any such committee such powers and duties as the Board may determine.

Advisory committee

(4) The Board may appoint an advisory committee composed of such persons as the Board may determine.

General membership

6. The Board may recognize and designate those persons who from time to time make subscriptions, gifts or donations of funds to the Gallery for any of its purposes as a General Membership consisting of the following categories or such other categories as the Board may establish from time to time:

1. Individual donors.
2. Corporate donors.
3. Patrons.
4. Benefactors.
5. Sustaining members.
6. Life members.

Powers of Board

7. The Board has such powers as are necessary for the purpose of carrying out its objects including the power,

- (a) to purchase or otherwise acquire and to hold and to sell or otherwise dispose of any real or personal property for the purposes of the Gallery;
- (b) to plan, erect, alter, maintain, operate and manage an art gallery or art galleries within the City of London;
- (c) subject to the *Charitable Gifts Act*, to collect and raise money by way of grants, gifts, donations, bequests, legacies and other payments and to hold, expend or deal with such funds; and

(d) to invest, in investments authorized under the *Trustee Act* for the investment of trust funds, moneys of the corporation not immediately required for its purposes.

R.S.O. 1980,
c. 512

8.—(1) In this section, "Library Board" means The London Public Library Board.

Interpretation

(2) The Library Board may from time to time convey to the Gallery by way of gift, and without receiving consideration therefor, the interest of the Library Board in such works of art including, without limitation, paintings, prints, woodcuts and sculptures as the Library Board may by resolution determine, and as and from the date of each such conveyance to the Gallery the works of art so conveyed shall be used and administered in accordance with the purposes defined by any deed, will or other instrument creating any trust or obligation with respect thereto, and the Library Board shall be absolutely freed and discharged from all obligations and trusts with respect to the works of art so conveyed.

Conveyance
of works of
art to
Gallery

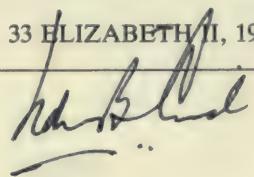
(3) All trust funds of every nature and kind held by the Library Board for the sole benefit of the London art gallery and museum which immediately prior to the 20th day of December, 1979, were vested in and were under the control of the Library Board including, without limitation, the funds received from the Alfred James Mitchell Estate, continue to be vested in the Gallery to be used and administered in accordance with the purposes defined by the deed, will or other instrument creating such trust, and the Library Board is absolutely freed and discharged from all obligations and trusts with respect to all such trust funds.

Vesting of
trusts in
Gallery

(4) All gifts, trusts, bequests, devises and grants of real or personal property or the income or proceeds thereof, heretofore or hereafter expressed by any person, body politic or corporation by deed, will or other instrument in writing to be made, given or conveyed to the Library Board solely for the London art gallery and museum shall, in so far as the same had not vested in possession or been carried into effect on the 20th day of December, 1979, in the absence of any expressed intention to the contrary set out in such deed, will or other instrument in writing, be construed as though the same had been expressed to be made to the Gallery and the executor, trustee or other person or corporation charged with the duty of carrying into effect or administering such deed, will or other instrument in writing, shall pay over or transfer all such moneys and property to the Gallery as and when the same becomes or may become payable or transferable, and the receipt of the Gallery shall be a sufficient discharge therefor.

Idem

Head office	9. The head office of the Gallery shall be situate in the City of London in the County of Middlesex.
Operating grant	10. —(1) The council of the Corporation may provide an annual operating grant to the Gallery. (2) The Corporation shall have no obligation to subsidize operating costs of the Gallery beyond any annual grants which may be made under subsection (1).
Gallery deemed local board for purposes of R.S.O. 1980, c. 348	11. The Gallery shall be deemed to be, and, since the 1st day of January, 1978, to have been, a local board for the purposes of the <i>Ontario Municipal Employees Retirement System Act</i> .
Exemption from taxation	12. Property vested in or controlled by the Gallery shall be deemed to be exempt from taxation for municipal and school purposes in accordance with paragraph 9 of section 3 of the <i>Assessment Act</i> .
R.S.O. 1980, c. 31	
Dissolution	13. Subject to any obligations or trusts defined by any deed, will or other instrument creating any trust or obligation with respect to the works of art owned, possessed or controlled by the Gallery, the property of the Gallery upon its dissolution shall be distributed after the payment of all debts and liabilities to the Corporation or to such organizations, having objects similar to those of the Gallery, as may be designated by the council of the Corporation, to be used for the purpose of such objects.
Repeals	14. The following are repealed: <ol style="list-style-type: none">1. Section 5 of <i>The City of London Act, 1974</i>, being chapter 148.2. Section 13 of <i>The City of London Act, 1977</i>, being chapter 92.3. Section 2 of <i>The City of London Act, 1978</i>, being chapter 128.4. Section 4 of <i>The City of London Act, 1979</i>, being chapter 129.
Commencement	15. This Act comes into force on the day it receives Royal Assent.
Short title	16. The short title of this Act is the <i>London Regional Art Gallery Act, 1984</i> .



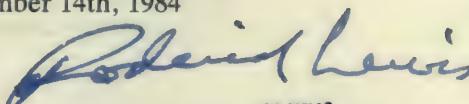
Bill Pr8

*(Chapter Pr26
Statutes of Ontario, 1984)*

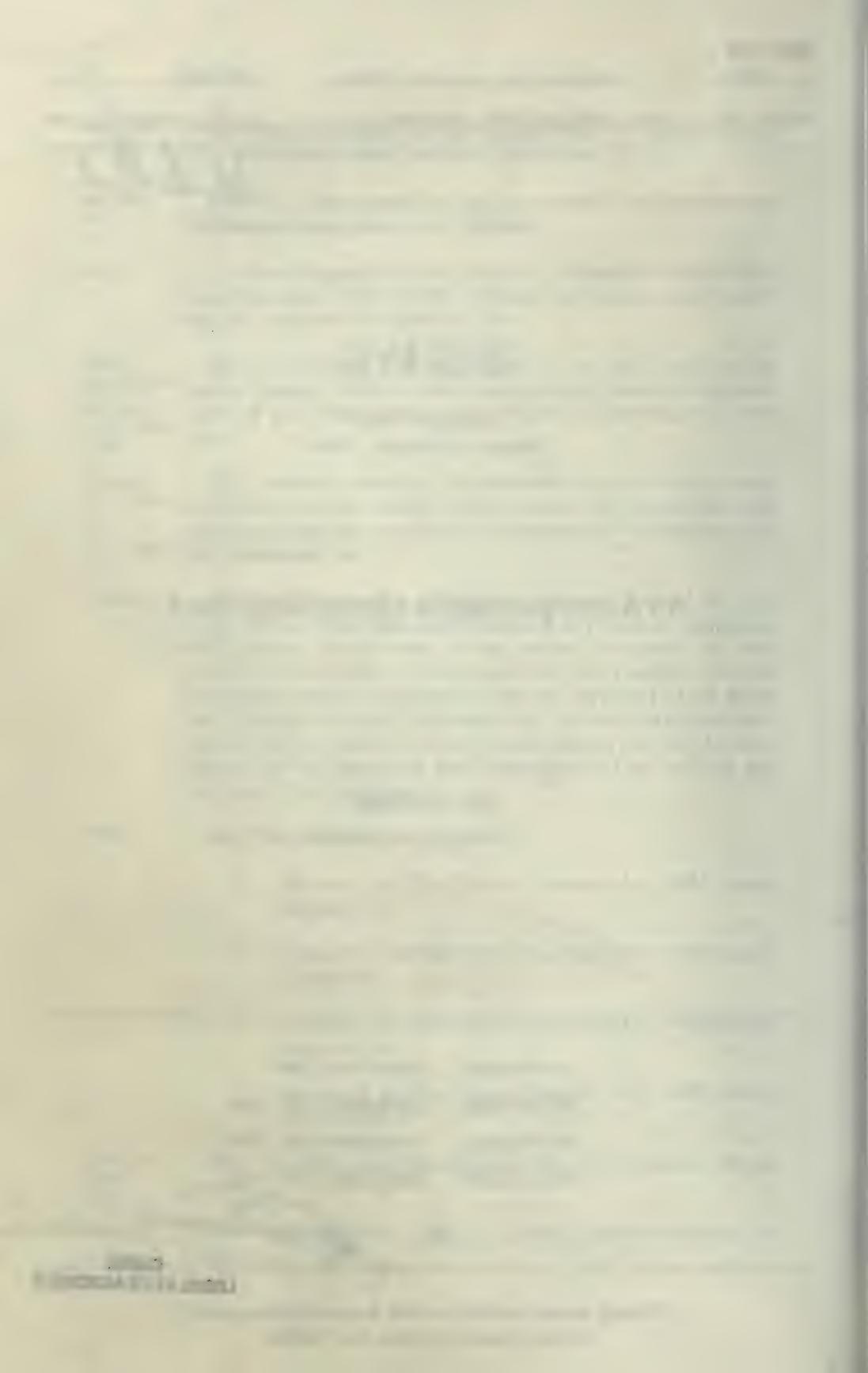
An Act respecting the City of North York

Mr. Williams

<i>1st Reading</i>	April 16th, 1984
<i>2nd Reading</i>	December 13th, 1984
<i>3rd Reading</i>	December 13th, 1984
<i>Royal Assent</i>	December 14th, 1984



**CLERK
LEGISLATIVE ASSEMBLY**



Bill Pr8**1984****An Act respecting the City of North York**

Whereas The Corporation of the City of North York, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of the Corporation may pass by-laws,

- (a) for requiring the tenants and occupant owners of units in any multiple residential building to permit the treatment of the premises they occupy by pest exterminators licensed under the *Pesticides Act*, whenever,

Authority
to pass
by-laws, pest
control and
animal traps

R.S.O. 1980,
c. 376

- (i) such premises are infested by insects, rodents or other vermin and, in the opinion of the medical officer of health of the municipality, such treatment is necessary in the interests of public health, or

- (ii) in the opinion of the medical officer of health of the municipality, such treatment is necessary for the effective control of an infestation by insects, rodents or other vermin in the building of which the premises they occupy form part,

and for providing that in default thereof by such tenants or owners, the medical officer of health of the municipality may authorize such treatment in the place and stead of such tenants or owners;

- (b) for requiring,

R.S.O. 1980,
c. 84

R.S.O. 1980,
c. 376

Notice of
entry to
premises
re pest
control

Repeals

Commencement

Short title

(i) the condominium corporation for any multiple residential building registered under the *Condominium Act*, and

(ii) the owner of any other multiple residential building,

to have an annual pest control inspection of the building, including the residential premises in the building carried out by a pest exterminator licensed under the *Pesticides Act* and to submit to the medical officer of health of the municipality a written report of the inspection prepared by the pest exterminator in a form prescribed by by-law and for requiring any necessary treatment of the building or parts thereof to be carried out at the time of the annual inspection; and

(c) for purchasing animal traps, other than body-gripping or leg-hold traps, and for loaning or renting the traps to residents of the municipality on such terms as the council considers advisable.

(2) A by-law passed under clause (1) (a) or (b) shall provide that no person shall enter any residential premises for the purposes of treating or inspecting any premises as authorized or required under those clauses unless written notice has first been given to the tenant or occupant owner at least twenty-four hours before the time of entry, and the time of entry shall be during daylight hours and specified in the notice, but nothing in this subsection shall be construed to prohibit entry with the consent of the tenant or occupant owner at the time of entry.

(3) Clause 1 (1) (b) and subsection 1 (2) of the *City of North York Act, 1980*, being chapter 117, are repealed.

2. This Act comes into force on the day it receives Royal Assent.

3. The short title of this Act is the *City of North York Act, 1984*.

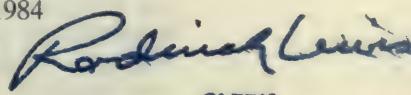
Bill Pr9

*(Chapter Pr10
Statutes of Ontario, 1984)*

An Act respecting the Association of the Chemical Profession of Ontario

Mr. Kennedy

<i>1st Reading</i>	March 26th, 1984
<i>2nd Reading</i>	May 25th, 1984
<i>3rd Reading</i>	May 25th, 1984
<i>Royal Assent</i>	May 29th, 1984



RODGER LEWIS
CLERK
LEGISLATIVE ASSEMBLY

CLERK
LEGISLATIVE ASSEMBLY

Bill Pr9**1984**

**An Act respecting the
Association of the Chemical Profession of Ontario**

Whereas the Association of the Chemical Profession of Ontario hereby represents that it was incorporated under an Act of the Legislature of Ontario, Statutes of Ontario, 1962-63, chapter 157; that the Association is desirous of being continued as a corporation for the purpose of carrying out the objects of the Association and of the government and discipline of its members; and whereas the Association considers it desirable to grant to members of the Association the right to use the designation "Chartered Chemist"; and whereas the Association hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1. In this Act,** Interpretation
- (a) "Association" means the Association of the Chemical Profession of Ontario;
 - (b) "Board of Examiners" means a body constituted under the by-laws for the purpose of assessing the qualifications of professionals applying for membership;
 - (c) "by-laws" means by-laws of the Association;
 - (d) "Council" means the Council of the Association;
 - (e) "professional chemistry" means practising for a salary or fee any of the pure or applied disciplines of chemistry, including organic, inorganic, physical, analytical, metallurgical, theoretical, biological and industrial;

- (f) "registered" means registered as a member under this Act, and "registration" and "registrant" have corresponding meanings;
- (g) "registrar" means the registrar of the Association;
- (h) "undergraduate" means a member enrolled in a learning institution, recognized by the Council, for the purpose of entering into the practice of chemistry.

Association
continued

2.—(1) The Association of the Chemical Profession of Ontario is continued as a corporation without share capital and the persons registered as members of the Association on the day this Act comes into force and all other persons who become members of the Association constitute the corporation.

Continuation
of Council

(2) The members of the Council and the officers of the Association in office immediately prior to the coming into force of this Act are continued in office until their successors are appointed or elected in accordance with this Act and the by-laws.

Objects

3. The objects of the Association are,

- (a) to furnish means and facilities by which members of the Association and undergraduates may increase their knowledge, skill and efficiency in all things related to the business or profession of professional chemistry;
- (b) to hold such examinations and prescribe such tests of competency as Council considers appropriate to qualify for admission to membership in the Association;
- (c) to maintain discipline among members of the Association and undergraduates; and
- (d) to do any other thing that the Council reasonably considers will further its objects.

Council

4.—(1) The affairs of the Association shall be managed by the Council.

Composition
of Council

(2) The Council shall consist of not fewer than fifteen and not more than twenty-five members of the Association, as the Council may determine, elected from the membership of the Association.

(3) The Association may by by-law provide for the appointment to the Council of up to three persons who are not members of the Association. Idem

(4) The manner of electing or appointing the members of the Council, the notification of the electors of the time and place of holding elections, the nomination of candidates, the presiding officers at elections, the taking and counting of votes, the giving of a casting vote in the case of an equality of votes, the tenure of office of members of the Council and other necessary details shall be as set out in the by-laws. Idem

(5) At any meeting of the Council, a majority of the members of the Council constitutes a quorum. Quorum

(6) The Council shall elect or appoint such officers as are prescribed by the by-laws. Officers

(7) No person may be elected or appointed under subsection (6) who is not a member of the Association. Idem

(8) In the case of death, resignation or incapacity of any member of the Council, the office may be declared vacant by the Council and, where it is so declared, the Council shall fill the vacancy in the manner provided by the by-laws for the balance of the term. Vacancies

(9) For the purposes of subsection (8), where a member is absent from three consecutive meetings of the Council or has his registration cancelled or suspended, the Council may consider that he has resigned. Resignation

(10) The Council shall appoint a registrar who need not be a member of the Council and who shall perform the functions assigned to him by this Act and such other duties as may be assigned to him by the Council. Registrar

5. At any general or special meeting, members of the Association may be represented and vote by proxy exercised in accordance with the by-laws on voting and proxies, but no proxy may be exercised by a person who is not a member of the Association. Proxies

6.—(1) The Council may pass by-laws regarding such matters as are necessary to conduct the business and carry out the objects of the Association and, without restricting the generality of the foregoing, the Council may pass by-laws, By-laws

(a) prescribing the qualifications for and conditions of registration for members and undergraduates;

- (b) prescribing the educational and other qualifications that must be met by candidates for admission as members of the Association;
- (c) regulating and governing the conduct of members of the Association in the practice of their business or profession, by prescribing a code of ethics, rules of professional conduct and standards of practice and by providing for suspension, expulsion or other penalty for professional misconduct, incapacity or incompetence;
- (d) prescribing fees payable to the Association;
- (e) governing the calling, holding and conduct of meetings with the Council and of the members of the Association;
- (f) establishing a Board of Examiners and governing the actions of the Board;
- (g) establishing and providing for the administration of a benevolent fund for the benefit of any member of the Association or the families of deceased members of the Association who may require financial assistance and, for that purpose, providing for the receipt of contributions or donations and for contributions from the funds of the Association;
- (h) authorizing the making of grants for any purpose that may tend to advance chemical knowledge and education, improve standards of practice in chemistry or support and encourage public information and interest in the past and present role of chemistry in society;
- (i) acquiring by any manner real and personal property for its purposes or disposing, in any manner, of property acquired or any part thereof as occasion may require.

Confirmation

(2) A by-law passed under subsection (1) and a repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a general meeting of the members duly called for that purpose, is effective only until the next annual meeting of the members unless confirmed thereat and, in default of confirmation, ceases to have effect from that time, and in that case no new by-law of the same or like substance has any effect until confirmed at a general meeting of the members.

(3) The by-laws of the Association shall be open to examination by the public at the head office of the Association during normal office hours.

Inspection
of by-laws

7.—(1) Every individual who,

Membership

- (a) applies therefor in accordance with the by-laws;
- (b) is of good character; and
- (c) is eighteen years of age or older,

is entitled to membership in the Association if he,

- (d) has complied with the academic and experience requirements specified in the by-laws for the issuance of membership; or
- (e) has passed examinations set or approved by the Board in accordance with the by-laws.

(2) The registrar shall keep a register in which shall be entered the names of all members of the Association in good standing, and only those persons so registered are members entitled to the privileges of membership in the Association.

Register

(3) The register shall be kept open for examination by the public at the head office of the Association during normal office hours.

Idem

(4) A person who is qualified for membership in the Association who has been refused membership or who has been subject to a disciplinary sanction under the by-laws may appeal to the Divisional Court, in accordance with the rules of court, from the refusal to grant membership or from the sanction.

Appeals

(5) Where a person appeals to the Divisional Court, the registrar shall forthwith file in the Court a record of the proceeding that resulted in the failure or refusal to grant membership or the decision of the committee imposing a sanction which, together with any transcript of evidence, shall constitute the record in the appeal.

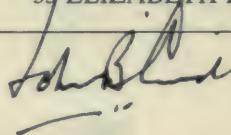
Record

(6) An appeal under this section may be made on a question of law or fact, or both, and the Court may rescind any decision, may exercise all powers of any committee and may direct the Association to take any action that the Association is empowered to take as the Court considers proper and, for such purposes, the Court may substitute its opinion for that of

Powers of
Court

any committee or of the Association or the Court may refer the matter back for rehearing, in whole or in part, in accordance with such directions as the Court considers proper.

- Designation** **8.**—(1) Every member of the Association may use the designation "Chartered Chemist" and may use after his name the designation "C. Chem." indicating that he is a chartered chemist.
- Offence** (2) Every person in Ontario who, not being a registered member of the Association, takes or uses the designation "Chartered Chemist" or "C. Chem." alone or in combination with any other word, title, name, initial or description, other than initials or words that indicate that the title used was granted in a jurisdiction outside of Ontario, or implies, suggests or holds out that he is a chartered chemist, is guilty of an offence.
- Evidence** (3) In every case where registration is an issue, the production of a copy of the register certified under the hand of the registrar is sufficient evidence of all persons who are registered, and any certificate upon such copy of the register purporting to be signed by a person in his capacity as registrar is proof, in the absence of evidence to the contrary, that the person is the registrar without any proof of his signature or of his being in fact the registrar.
- Idem** (4) The absence of the name of any person from a copy of the register produced under subsection (3) is proof, in the absence of evidence to the contrary, that the person is not registered.
- Right to practise unaffected** **9.** This Act does not affect the right of any person who is not a member of the Association to practise as a chemist in the Province of Ontario.
- Surplus** **10.** Any surplus derived from carrying on the affairs and business of the Association shall be devoted and applied solely in promoting and carrying out its objects and purposes and shall not be divided among its members.
- Repeal** **11.** *The Association of the Chemical Profession of Ontario Act, 1962-63*, being chapter 157, is repealed.
- Commencement** **12.** This Act comes into force on the day it receives Royal Assent.
- Short title** **13.** The short title of this Act is the *Association of the Chemical Profession of Ontario Act, 1984*.



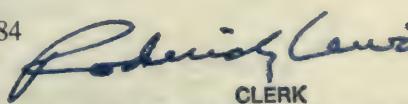
Bill Pr11

*(Chapter Pr3
Statutes of Ontario, 1984)*

An Act to incorporate the Kitchener and Waterloo Community Foundation

Mr. Breithaupt

<i>1st Reading</i>	March 27th, 1984
<i>2nd Reading</i>	May 1st, 1984
<i>3rd Reading</i>	May 1st, 1984
<i>Royal Assent</i>	May 1st, 1984



Frederick Lewis
CLERK
LEGISLATIVE ASSEMBLY



Bill Pr11 *an Act to incorporate the Kitchener and Waterloo Community Foundation* **1984**

**An Act to incorporate the
Kitchener and Waterloo Community Foundation**

Whereas the persons named in section 2 represent that it is desirable and in the public interest to create a body corporate to receive, maintain, manage, control and use donations for charitable, civic, educational and cultural purposes within the Kitchener Waterloo district; and whereas the applicants hereby apply for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpretation

- (a) “Board” means the Board of Directors of The Kitchener and Waterloo Community Foundation;
- (b) “director” means a member of the Board;
- (c) “donor” means any person, firm, organization, corporation or estate who, which or that may make any gift or grant of any property of any nature and wherever situate to The Kitchener and Waterloo Community Foundation;
- (d) “Foundation” means The Kitchener and Waterloo Community Foundation;
- (e) “Kitchener Waterloo district” means the cities of Kitchener and Waterloo and such part of the surrounding area as, in the opinion of the Board, is readily accessible to Kitchener and Waterloo.

2.—(1) The members from time to time of the Board of Directors of the Kitchener and Waterloo Community Foundation are hereby incorporated as a corporation without share

Kitchener
and
Waterloo
Community
Foundation
incorporated

capital under the name of "The Kitchener and Waterloo Community Foundation".

First Board

(2) The first members of the Board shall be Walter A. Bean, C.B.E. and William H. Timmis, both of the City of Waterloo, in The Regional Municipality of Waterloo and Gerald E. Eastman, Q.C., Kenneth G. Murray and Frank Morgan, all of the City of Kitchener, in The Regional Municipality of Waterloo.

Head office

3. The head office of the Foundation shall be in the City of Kitchener.

Objects

4.—(1) The objects of the Foundation are to receive, maintain, manage, control and use donations for charitable, civic, educational and cultural purposes within Ontario, and more specifically within the Kitchener Waterloo district and without limiting in any way such purposes, such donations or the income therefrom may be used and shall be available for assisting charitable, civic, cultural and educational institutions, whether supported by private donations or public taxation, for promoting education, for scientific research, for care of the sick, crippled, aged or helpless, to improve living conditions, or to provide recreation and such other charitable purposes as shall best make for the mental, moral and physical improvement of the inhabitants of the Kitchener Waterloo district.

Assistance
to other
institutions

(2) To carry out the objects of the Foundation, the funds available to it may be used for the assistance of such institutions, organizations, agencies and bodies as may be engaged in the promotion or advancement of the objects of the Foundation or any of them and the Board may determine what institutions, organizations, agencies or bodies, whether or not they are within the Kitchener Waterloo district, are to benefit by that assistance in each year, and to what extent.

Non-appli-
cation of
certain
rules of law
R.S.O. 1980,
c. 5

5.—(1) The rule against perpetuities and the rule against accumulations do not apply to donations made to or moneys held by the Foundation and the *Accumulations Act* does not apply to donations made to or moneys or property held by it.

Application
of
R.S.O. 1980,
c. 95

(2) The *Corporations Act* applies to the Foundation except to the extent that it is inconsistent with this Act.

Application
of
R.S.O. 1980,
cc. 63, 65

(3) The *Charitable Gifts Act* and the *Charities Accounting Act* apply to the Foundation and to all donations made to or moneys or property held by it.

Board of
Directors

6.—(1) The affairs of the Foundation shall be managed by the Board.

(2) The first members of the Board shall serve for a period of three months after the day this Act comes into force and every member is eligible for reappointment as provided for in subsection (3).

First Board

(3) Commencing three months after the day this Act comes into force, the Board shall be composed of nine members appointed by the nominating committee provided for in section 7.

Subsequent Boards

(4) Three of the members appointed by the nominating committee under subsection (3) shall serve for one year, three of the members shall serve for two years and three of the members shall serve for three years.

Rotation of directors

(5) The Board of Directors shall serve without remuneration but are entitled to reimbursement of reasonable expenses and, subject to subsection (4), shall be appointed for a term of three years and, subject to subsection (6), are eligible for reappointment.

Remuneration

(6) No member of the Board is eligible for appointment to more than two consecutive terms but may be reappointed after one year has elapsed from the time the member ceased to hold office.

Reappointment of Board member

(7) A vacancy occurring in the membership of the Board by reason of the expiration of a term of office shall be filled by appointment by the nominating committee provided for in section 7.

Vacancy

(8) A vacancy arising in the membership of the Board by reason of death, resignation or any other cause, other than the expiration of a term of office, shall be filled by appointment by the nominating committee provided for in section 7, and any person so appointed shall hold office for the unexpired portion of the term of office of his predecessor.

Idem

7.—(1) The nominating committee shall consist of the persons holding the following offices from time to time:

Nominating

1. The Mayor of the City of Kitchener.
2. The Mayor of the City of Waterloo.
3. The Senior Judge of the County Court of the Judicial District of Waterloo.
4. The President of the Kitchener Chamber of Commerce.

5. The President of the Waterloo Chamber of Commerce.
6. The President of the Kitchener Waterloo and Area Federated Appeal.

Idem

(2) If a person holding any of the offices referred to in subsection (1) is unable or unwilling to act as a member of the nominating committee, the other members of the nominating committee shall appoint another person to act as a member during the period in which the original member is unable or unwilling to act.

Meetings of nominating committee

(3) The nominating committee shall meet annually or more often upon the call of the secretary of the Board, if any, or upon the call of the chairman of the nominating committee whenever it is necessary to fill a vacancy on the Board.

Procedure

(4) The nominating committee may make such rules governing its procedure, including the appointment of a chairman, as it considers advisable.

Quorum

(5) A quorum of the nominating committee for any meeting shall be not less than three of its members present in person, and a majority vote of all the members of the nominating committee shall be required for the appointment of a member of the Board.

Failure of nominating committee

(6) If the nominating committee fails to appoint a person to fill a vacancy in the membership of the Board within ninety days after the vacancy occurs, the remaining members of the Board may apply to a judge of the Supreme Court to make the appointment, and the judge to whom the application is made may appoint any person to fill the vacancy or make such other order as he considers proper.

Powers of Board

8.—(1) The powers of the Foundation are vested in and shall be exercised by the Board which may pass by-laws to regulate and govern its procedure and actions and the conduct and administration of the affairs of the Foundation.

By-laws

(2) Without limiting the generality of subsection (1), the Board may pass by-laws,

- (a) regulating the calling of and the procedures at meetings of the Board, fixing the time and place of such meetings and fixing the fiscal year of the Foundation;
- (b) fixing the quorum of the Board;

(c) regulating the appointment, functions, powers, duties, remuneration and removal of officers, servants and agents of the Foundation.

(3) Any by-law of the Board may be repealed or amended by the Board in accordance with such rules or regulations as it may prescribe by by-law.

(4) By-laws of the Board require the approval, either at a meeting or in writing, of the majority of the members of the Board.

9. The Board may, by resolution, terminate the term of office of a director who suffers from an incapacity that, in the opinion of the Board, may prevent the director from discharging his or her duties for more than eight months.

10.—(1) The Board may appoint honorary directors of the Foundation in recognition of their service to the Foundation or their status in the Kitchener Waterloo district and any such appointment may be for any such years, or for life, as the Board may determine and may be terminated by resolution of the Board at any time.

(2) Honorary directors may be invited to attend meetings of the Board and participate in its discussions but shall not be entitled to vote.

11. The Board shall not make loans to the directors, officers or employees of the Foundation and shall not give, directly or indirectly, by means of loan, guarantee, the provision of security or otherwise, any financial assistance for the purpose of, or in connection with, a purchase made or to be made by a director, officer or employee of the Foundation.

12. The Foundation is empowered,

Repeal or amendment

Approval

Incapacity of member of Board

Honorary directors

Idem

Restriction

Powers

(a) to receive directly donations of, and hold, control and administer property of every kind wherever situated;

(b) to receive donations or the benefit of donations indirectly, either by way of testamentary disposition or deed of trust or otherwise, and to use and expend or direct the using and expending of property of every kind wherever situated or the income therefrom;

(c) except as herein or by any particular deed of gift provided, to convert any property at any time and

from time to time received and held by or on behalf of the Foundation into any other form and for that purpose to sell or cause and authorize the property to be sold, assigned, transferred, leased, exchanged or otherwise disposed of;

- (d) to pass on and entrust to one or more trust companies the custody and management of all or any part of the property at any time and from time to time received or held by the Foundation in such manner and in such proportions as the Board considers proper, and to enter into agreements with such trust companies with respect thereto;
- (e) to direct any trust company to manage and administer as a single fund and in such manner as the Board considers advisable any one or more donations held by such trust company for the purposes of the donation under any testamentary document or deed of trust or otherwise;
- (f) to lease any lands at any time held by the Foundation except where such lease would contravene a public use agreed upon when the lands were accepted;
- (g) to pay and apply the net income from all funds held directly or indirectly by it towards such charitable purposes within the Kitchener Waterloo district as the Board considers advisable;
- (h) to pay, apply and distribute such portions as the Board considers advisable of the capital of the funds held directly or indirectly by it, to and for such charitable purposes within the Kitchener Waterloo district as the Board considers advisable but,
 - (i) unless otherwise specifically provided by the donor of any sum or fund, not more than a total of 10 per cent of the balance of the capital of the sum or fund shall be so distributed during any financial year, and
 - (ii) no distribution of capital shall be made without the approval of two-thirds of the directors, given in person at a meeting of the Board or if not present at a meeting, then in writing within the sixty days next after the meeting;

- (i) except as herein provided, to control the management and investment of all its funds but, the custody of all securities and the accounting therefor shall be entrusted by the Board to one or more trust companies and thereupon any such trust company shall invest and reinvest the same within the general policy of investment laid down by the Board;
- (j) to revoke the appointment of any trust company as custodian and to appoint any other trust company as custodian in its place;
- (k) to direct the investment of all its funds, which are to be invested by the Foundation or by any trust company or other trustee, in investments authorized for the investment of funds of life insurance companies in Canada, but the Board may authorize and direct the retention of any specific assets donated or bequeathed to the Foundation by any testamentary document or deed of trust or otherwise for such length of time as the Board in its sole discretion considers advisable notwithstanding that it does not consist of assets in which the Foundation is authorized to invest by this Act, and the Foundation and the members of the Board shall not be liable, nor shall any trust company or other trustee acting on the instructions of the Board be liable, for any loss or damage that may be suffered by reason of the retention of any such assets or the investment of any such moneys in accordance with the power and authority given in this clause;
- (l) to employ such persons and to take such other action as it considers advisable for the more efficient carrying out of the purposes of the Foundation, and such employees may be paid such reasonable compensation out of, and the Board may charge the expenses of any such other action to the income or capital, or both, of the funds of the Foundation as the Board considers advisable;
- (m) to set aside or, in its discretion, to refrain from setting aside, any part of the income received by it from securities taken or purchased as part of the funds of the Foundation at a premium, as a sinking fund to retire or amortize such premium and to determine in its uncontrolled discretion in respect of all funds of the Foundation what shall be treated as income and what shall be treated as capital as to each respective transaction therein and to charge or

apportion any losses or expenses to capital or income as it considers best;

- (n) to compromise, compound and adjust claims in favour of or against the property held or intended to be held by it, upon such terms and conditions as it considers proper;
- (o) subject to the *Charitable Gifts Act*, to carry on a business donated to the Foundation, the net profits from such business to be used for the purposes of the Foundation;
- (p) to accumulate net income from year to year with the intention of distributing such accumulation for the purposes of the Foundation;
- (q) to set up from time to time a special fund for the relief of persons or families who suffer from death, injury, calamitous deprivation of the necessities of life, health or education as a result of disasters, fires, floods or accidents of major proportions within Ontario that, in the opinion of the Board, merit the establishment of a special fund, and as part of such activity, to solicit and receive funds and to disburse them for such relief and for the expenses of advertising and operating the fund, and for these purposes, the restrictions on the distribution of capital set out in clause (h) shall not apply, provided that any surplus in a special fund may be transferred to the general capital funds of the Foundation;
- (r) to refuse to accept any bequest, devise and donation;
- (s) subject to the *Charitable Gifts Act*, to retain any property in the form in which it is when received by the Foundation as permanent investment or for such length of time as the Board considers best.

R.S.O. 1980,
c. 63

Future
vesting

13. When a donation has been made to the Foundation, in trust, of any property to take effect in the future, the Board is empowered to accept and exercise any powers of appointment, settlement or distribution with respect to the income, in whole or in part, derivable from the property in the interim, and to nominate executors and trustees in the manner provided in the instrument creating the trust.

Common
trust fund

14.—(1) The Foundation may establish a common trust fund in which property received by the Foundation under

bequests, devises and donations is combined for the purpose of facilitating investments.

(2) The Board may, by resolution passed by a majority of the Board, make regulations concerning the operation of the common trust fund, the method of valuation of investments in the fund and the dates upon which the valuation may be made, the distribution of the income of the fund and the property that may be included in it. By-laws

(3) Subject to any conditions imposed by a donor, reasonable administrative expenses incurred by the Board may be charged against all trusts, on a *pro rata* or such other basis as the Board considers equitable. Charges

(4) A direction in writing by a donor that property included in a donation, bequest or devise shall not be included in the common trust fund is binding on the Board. Direction of donor

15.—(1) In deciding the manner in which and the extent to which funds shall be used or applied, the Board shall respect and be governed by any trust imposed by the donor in the instrument creating the trust or effecting the gift of the funds to the Foundation and the requirements of the *Income Tax Act* (Canada). Matters to be considered

(2) If, after the death of a donor, or, if the donor was a corporation, after its winding-up, Variation

- (a) conditions arise whereby, in the opinion of the Board, the departure from the terms of the original trust or gift would further the true intent and purpose of the donor; or
- (b) changed conditions make it no longer possible, wise, practical or lawful, in the opinion of the Board, to meet the expressed wish of the donor,

the Board may apply to a judge of the Supreme Court, *ex parte*, or on notice to such persons as the judge may direct, for an order that the Board may,

- (c) make such departure to further the true intent and purpose of the trust or gift; or
- (d) use and apply the funds for such purposes as are, in the opinion of the Board, closest to the original intent and purpose of the donor.

Application of donation

(3) If no conditions are imposed by the donor with regard to the use of the donor's gift, the Board may in its absolute discretion use and apply the gift for such purposes as it considers proper having regard to the provisions of this Act.

Deemed assent by donors

(4) This section shall be deemed to have been assented to by every donor of the Foundation as a condition of the Foundation accepting the gift.

Waiver

(5) Subsection (4) may be waived by the Board at the time of acceptance of a gift.

Donation for specific purpose

16.—(1) The Foundation may accept donations either directly or indirectly, subject to the condition that the income or capital, or both thereof, be paid and applied to a specific charitable purpose, either for a specific or an indefinite period of time.

Variation

(2) If the Board is satisfied that conditions are such as to render it impossible, impracticable, inefficient or unwise to expend all or any part of a donation referred to in subsection (1), or the net income derived therefrom at any time for such specific charitable purpose, the Board may apply to a judge of the Supreme Court for direction to use the income or capital, or both, for other purposes of the Foundation.

Management of funds of other organizations

(3) Notwithstanding any other provision of this Act, the Foundation is empowered to receive, invest and manage endowment and capital funds previously held by or anticipated to be received for the account of another Canadian charitable, educational or cultural organization, in accordance with the arrangement between the Foundation and the organization, and the Foundation may, upon request, return to the organization all or any part of such organization's assets held by the Foundation.

Form of words

17. Any form of words is sufficient to constitute a donation for the purposes of this Act so long as the donor indicates an intention to contribute currently or prospectively to the Foundation.

Gifts for benefit of persons outside Kitchener Waterloo district

18. Where property has been donated to the Foundation and the donor wishes that the donation or a portion thereof be used in accordance with the objects of the Foundation but in whole or in part for the benefit of persons not resident in the Kitchener Waterloo district, the Board may accept and exercise the trust in respect of the donation as if it were made for the benefit of residents of the Kitchener Waterloo district, provided the benefit of the donation is directed to be applied for charitable purposes within Canada.

19.—(1) Where any person holds any property in trust for any purpose of a nature similar, in whole or in part, to the objects of the Foundation that person, as trustee, with the consent of the Foundation, may apply to a judge of the Supreme Court for an order directing the trustee to hand over the property to the Foundation to be used under this Act.

Transfer
of assets
from other
trusts

(2) A judge receiving an application under subsection (1) has the power to make an order for the handing over of the property to the Foundation and any trustee complying with such an order shall thereupon be discharged of all further responsibility in respect of the property.

Idem

20.—(1) Subject to subsection (2), all donations made directly or indirectly to the Foundation may be treated for all purposes as a general fund and in the absence of any direction by the donor, it shall be deemed that all contributions are received as capital and are to be invested and the net income therefrom devoted for charitable purposes as provided in this Act.

General fund

(2) In the case of a donation of \$50,000 or more, the donor may require that the donation be maintained as a separate fund, in which case, in each year thereafter, a separate accounting thereof shall be set out in the annual audited report.

Separate
fund

21.—(1) Unless otherwise directed by testamentary document or deed of trust or otherwise, all donations of \$100 or more shall be publicly acknowledged in the financial year following that in which they are made, by being set out in the annual audited report, and donations of less than \$100 may be consolidated together and shown as one figure in the annual audited report.

Acknowl-
edgement
of donations

(2) Unless otherwise directed by testamentary document or deed of trust or otherwise, donations from any one person shall be publicly acknowledged in the year following their receipt by being set out in the annual audited report but if one person makes more than one donation, then only the total of that person's donations, as they may be from time to time, need be shown.

Idem

22.—(1) The Foundation shall cause an audit to be made at least once in every fiscal year of the books and records of the Foundation by an accountant licensed under the *Public Accountancy Act* but no person shall be appointed as auditor of the Foundation who is a partner, employer or employee of any member of the Board or officer or employee of the Foundation.

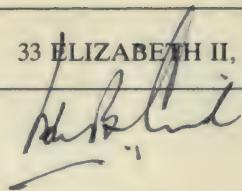
Audit

R.S.O. 1980,
c. 405

- Idem (2) The audit shall include an examination of all assets held by the Foundation or any trust company on its behalf, or held by any trustee in trust for the Foundation and, notwithstanding that any such funds may be held by a trustee pursuant to the provisions of a testamentary document or deed of trust, the trustee shall give an accounting thereof to the auditor of the Foundation each year.
- Publication of statement (3) The Foundation shall cause to be published in the newspaper published in the City of Kitchener or in the City of Waterloo, reputed to have the largest circulation therein, a certified statement by the auditor setting out the revenue and expenses, balance sheet and capital account and grants paid of the Foundation or held in trust for the Foundation, but the published statement need not include the names of donors in the years prior to the immediately preceding financial year.
- Contents of statement (4) The statement shall show separately the revenue and expenses, balance sheet and capital account, and grants paid of any fund which is held separately but with respect to other assets may show the same as a general fund.
- Idem (5) The statement shall set out in detail the purposes for which the income has been used and the expenses of the Foundation, all in accordance with generally accepted accounting principles and auditing standards.
- Full disclosure (6) The Board and any trust company holding funds in trust for the Foundation shall give full information and permit all necessary inspection to enable such audit to be made.
- Priority of document of trust **23.** No power conferred on the Foundation by this Act shall be exercised in respect of any donation in contravention of any express provision to the contrary in the will, deed or other document of trust governing such donation, unless so directed by a judge of the Supreme Court.
- Dissolution **24.** Upon dissolution of the Foundation and after payment of all its debts and liabilities, its remaining property shall be transferred, subject to any trust affecting any portion of the property, to such charitable organization or organizations in the Kitchener Waterloo district as the Board in its discretion thinks will best carry out the intentions of the individual donors and the purposes of the Foundation.
- Commencement **25.** This Act comes into force on the day it receives Royal Assent.
- Short title **26.** The short title of this Act is the *Kitchener-Waterloo Foundation Act, 1984*.







Bill Pr13

*(Chapter Pr13
Statutes of Ontario, 1984)*

An Act respecting The Scandinavian-Canadian Centre

Mr. Williams

<i>1st Reading</i>	March 23rd, 1984
<i>2nd Reading</i>	June 13th, 1984
<i>3rd Reading</i>	June 13th, 1984
<i>Royal Assent</i>	June 13th, 1984



CLERK
LEGISLATIVE ASSEMBLY

Bill Pr13**1984**

**An Act respecting The Scandinavian-Canadian
Centre**

Whereas The Scandinavian-Canadian Club of Metropolitan Toronto, hereby represents that it was incorporated by letters patent dated the 2nd day of June, 1941; that the Club is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that the Club has a freehold interest in lands and premises known municipally as 91 Stormont Avenue, in the City of North York, in which it operates the Scandinavian-Canadian Centre; and whereas the Club hereby applies for special legislation to exempt the aforesaid real property, occupied and used by it in the City of North York, from taxation for municipal and school purposes, except for local improvement rates; and whereas it is expedient to grant the application;

PreambleR.S.C. 1952,
c. 148

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpretation

- (a) “Club” means The Scandinavian-Canadian Club of Metropolitan Toronto;
- (b) “Corporation” means The Corporation of the City of North York;
- (c) “council” means the council of the Corporation.

2.—(1) The council may pass by-laws exempting from taxes for municipal and school purposes, other than local improvement rates, the land, as defined in the *Assessment Act*, of the Club, being the lands and buildings known as 91 Stormont Avenue, as described in the Schedule, so long as the land is occupied and used solely for the purposes of the Club.

**Tax
exemption**R.S.O. 1980,
c. 31

(2) An exemption granted under subsection (1) may be subject to such conditions as may be set out in the by-law.

Idem

Agreement
to repay
where lands
sold

3.—(1) Without restricting the generality of section 2, the council may provide that a by-law passed under section 2 does not come into force unless the Club enters into an agreement with the Corporation whereby, if the land exempted from taxes is sold, leased or otherwise disposed of, then the taxes foregone in the preceding period of ten years or in the period since the by-law was passed, whichever period is shorter, shall immediately become payable to the Corporation.

Transfer of
agreement

(2) An agreement entered into under subsection (1) may provide that, if the Club sells, leases or otherwise disposes of the exempted land and acquires other land in the City of North York which it occupies and uses solely for its purposes, the Corporation may postpone the collection of the taxes foregone until such time as the substituted land is disposed of by sale, lease or otherwise.

Transfer of
exemption

(3) Where an agreement has been entered into under subsection (1) and the Club sells, leases or otherwise disposes of the land and acquires other land in the City of North York which it occupies and uses solely for its purposes, the Corporation may, by by-law, transfer the tax exemption under section 2 to the substituted land.

Registration
of agreement

(4) An agreement made under subsection (1) may be registered against the title of the land affected thereby in the proper land registry office and, when so registered, the amounts payable under the agreement shall, until paid, be a lien or charge upon the land described therein and may be added by the clerk of the Corporation to the collector's roll and collected in the same manner as real property taxes.

Idem

(5) Where land is substituted for the land described in an agreement made under subsection (1), the Corporation may register the agreement against the title of the substituted land, notwithstanding that the substituted land is not described in the original agreement and, upon registration of an agreement under this subsection, the land described in an agreement registered under subsection (4) is discharged from the lien or charge described in that subsection and the amounts payable under the agreement shall, until paid, be a lien or charge upon the substituted land and may be added by the clerk of the Corporation to the collector's roll and collected in the same manner as real property taxes.

Reimburse-
ment of
other taxing
authorities

(6) Where the Corporation receives a payment under an agreement made under subsection (1), the Corporation shall retain for its own use, its share of the taxes foregone, and shall reimburse The Municipality of Metropolitan Toronto and The Board of Education for the City of North York and

The Metropolitan Toronto School Board and the Metropolitan Separate School Board for their share of the taxes foregone.

(7) Notwithstanding that an agreement has been entered into under subsection (1), the council may at any time repeal a by-law passed under section 2 or under subsection (3) without affecting the validity of the agreement and the repeal of the by-law does not accelerate the time for the repayment under the agreement of any taxes foregone.

4. For the purposes of subsection 219 (8) of the *Municipality of Metropolitan Toronto Act*, the exemption from taxation granted under section 2 shall be deemed to be an exemption provided under section 3 of the *Assessment Act*.

Deemed
exemption
R.S.O. 1980,
cc. 314, 31

5. This Act comes into force on the day it receives Royal Assent.

Commencement

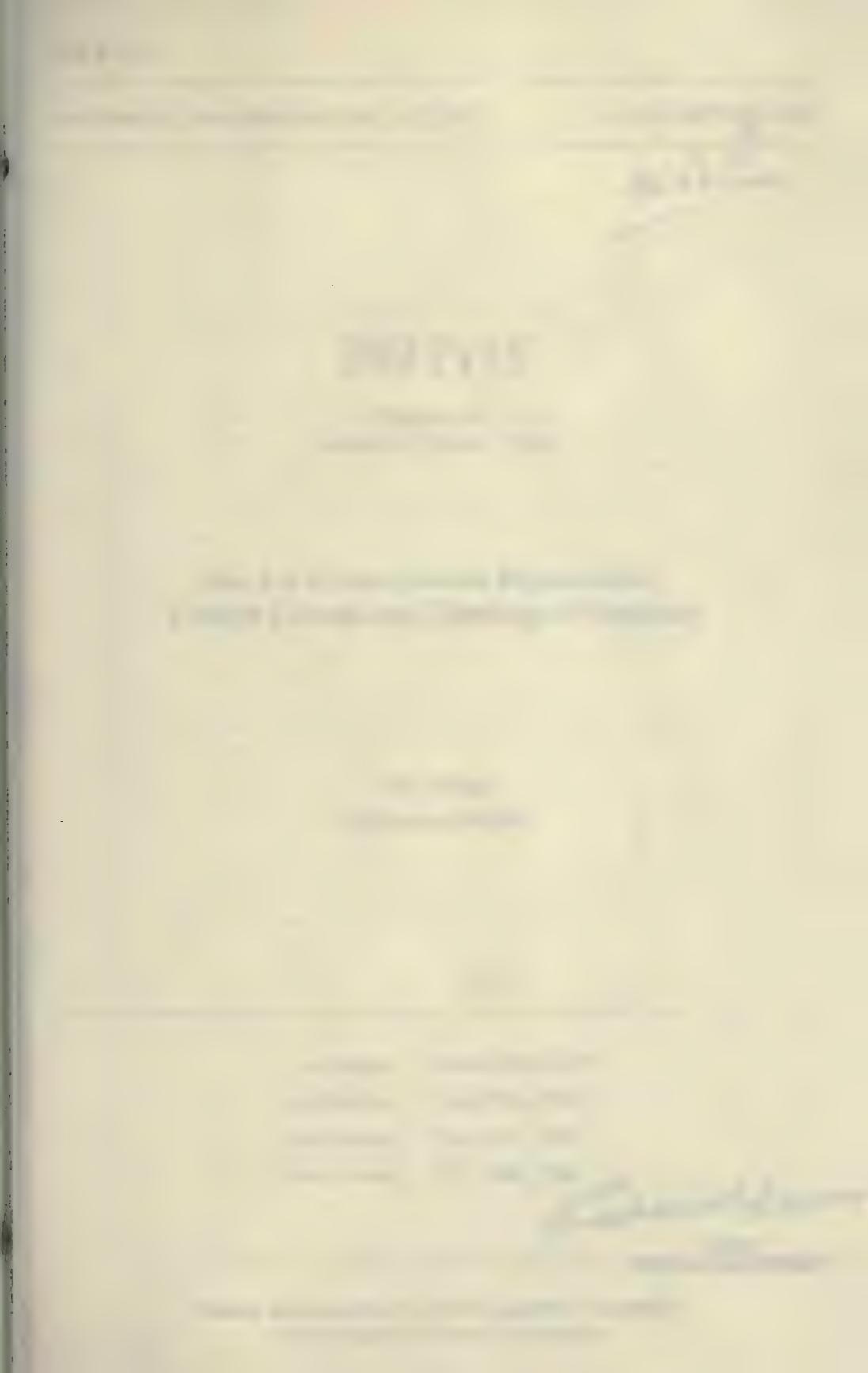
6. The short title of this Act is the *Scandinavian-Canadian Centre Act, 1984*.

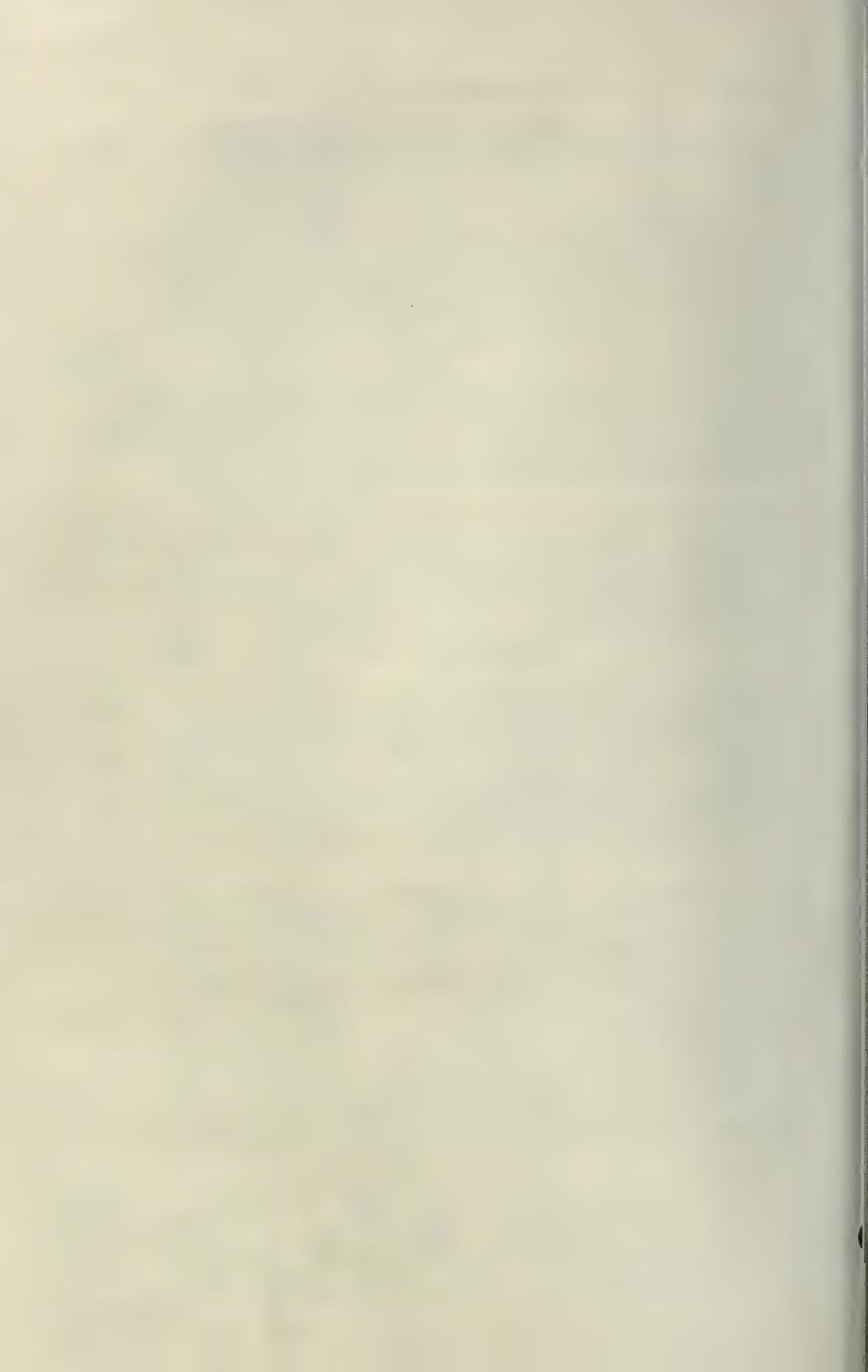
Short title

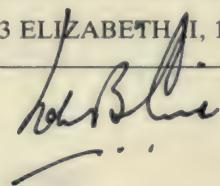
SCHEDULE

That parcel of land situate in the City of North York, in The Municipality of Metropolitan Toronto, being the whole of Lot 118 on the south side of Stormont Avenue, according to a Plan registered in the Land Registry Office for the Registry Division of Toronto Boroughs (No. 64).

Subject to a right-of-way with others entitled thereto, for all purposes, in, over, along and upon the westerly twelve feet of the said Lot 118.







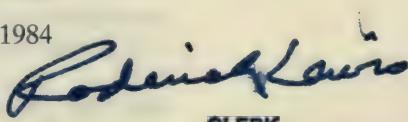
Bill Pr15

*(Chapter Pr11
Statutes of Ontario, 1984)*

An Act to Incorporate Baptist Bible College Canada and Theological Seminary

Mr. Miller
(Haldimand-Norfolk)

<i>1st Reading</i>	March 23rd, 1984
<i>2nd Reading</i>	May 25th, 1984
<i>3rd Reading</i>	May 25th, 1984
<i>Royal Assent</i>	May 29th, 1984



CLERK
LEGISLATIVE ASSEMBLY

21960

1940-1941

and small amounts of oil to
all kinds of laundry.

1940-1941

21960
1940-1941

and some laundry

Bill Pr15**1984**

**An Act to Incorporate Baptist Bible
College Canada and Theological Seminary**

Whereas Bethel Baptist Church (Simcoe) hereby represents that it was incorporated by letters patent on the 21st day of September, 1976, for the purpose, among others, of establishing, maintaining and carrying on and conducting classes for religious education and employing and paying instructors therefor; that since that time, Bethel Baptist Church (Simcoe), has been providing such education; and whereas the applicant hereby applies for special legislation providing for the creation of the organization, government and administration of a separate college with the power to grant appropriate degrees in the field of religious study; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this Act,

Interpretation

- (a) “academic dean” means a dean of the college or faculty, school, institute, department or other academic division of the College so designated by the Board;
- (b) “academic unit” means a faculty, school, institute, department or other academic division of the College so designated by the Board;
- (c) “Board” means the Board of Governors of the College;
- (d) “College” means Baptist Bible College Canada and Theological Seminary as incorporated by this Act;
- (e) “faculty” means all persons employed by the College to teach or give instruction at the College;

- (f) "student" means a person who has registered as such in a program or course of study at the College leading to a degree, diploma or certificate of the College;
- (g) "supporting church" means a church, which provides support, including financial support, for the philosophy, objects, and operation of the College, and which has been designated as a supporting church by a by-law of the College;
- (h) "year" means the membership year of the Board and shall be any twelve-month period established from time to time by the Board.

Conflict
with
R.S.O.1980,
c. 95

(2) In the event of a conflict between any provision of this Act and any provision of the *Corporations Act*, the provision of this Act prevails.

Incorporation

2.—(1) The members of the Board from time to time are hereby incorporated as a corporation without share capital under the name of "Baptist Bible College Canada and Theological Seminary".

Interpretation

(2) In this section "transfer date" when used in respect of the teaching staff and associated secretarial staff of Bethel Baptist Church (Simcoe) means the date upon which the College assumes liability for the payment of the salaries, wages and benefits of such teaching and secretarial staff by reason of the transfer of the teaching functions of the church to the College.

Transfer
of staff

(3) Three months prior to the transfer date, Bethel Baptist Church (Simcoe) shall designate those of its employees who are involved in teaching and associated staff and the College shall offer employment to each such employee so designated commencing on the transfer date and at a wage or salary not less than the wage or salary being received by each such employee immediately before the transfer date.

Continuation
of benefits

(4) A person who accepts employment under this section shall continue to enjoy the rights and benefits of sick leave entitlement provided by Bethel Baptist Church (Simcoe) immediately before the transfer date until the College establishes a sick leave entitlement plan or sick leave insurance plan, and thereupon the employee shall receive allowance or credit for any accrued sick leave rights or benefits.

Termination
for cause

(5) Nothing in this section prevents Bethel Baptist Church (Simcoe) prior to the transfer date or the College after the

transfer date from terminating the employment of an employee for cause.

3. The objects of the College are,

Objects

- (a) to provide post-secondary training programs for individuals called to the ministry and to equip and encourage them,
 - (i) to preach effectively,
 - (ii) to evangelize,
 - (iii) to establish and develop churches in Canada and throughout the world, and
 - (iv) to train teachers in religious education;
- (b) to develop the devotional and spiritual life of the student; and
- (c) to encourage each student to develop a mastery of the content of the Bible and to help the student to develop Christian character.

4.—(1) The affairs of the College shall be managed by the Board.

(2) The first members of the Board shall be the persons named in the Schedule and the first members shall hold office until the first annual meeting held under subsection 6 (3).

First
Board

(3) The Board, after the first annual meeting held under subsection 6 (3), shall consist of,

- (a) the president of the College, *ex officio*; and
- (b) not fewer than ten persons or more than fifteen persons, as determined from time to time by the Board, by by-law, elected by the members of the supporting churches in accordance with the by-laws.

(4) No person shall be elected as a member of the Board unless the person is a Canadian citizen.

Qualifications

(5) The elected members of the Board shall serve as members for a term of three years, but no person shall serve on the Board for more than nine consecutive years but on the expiry of one year after having served on the Board for nine

Election

consecutive years the person is again eligible to serve on the Board.

- Item** (6) At least one-third of the elected members of the Board shall be members of the supporting churches other than Bethel Baptist Church (Simcoe) and elected by the members thereof and the remainder of the elected members of the Board shall be members of Bethel Baptist Church (Simcoe) and elected by the members thereof and the Board may pass by-laws providing for the manner of nominating and electing its members.
- Staggered terms** (7) Notwithstanding subsection (5), the Board may by by-law provide for the election and retirement in rotation of the members of the Board.
- Calculation of term** (8) Service on the Board as a first member under subsection (2), as a member elected for less than three years under subsection (7) or as a member elected for the balance of an unexpired term under subsection (12) shall not be included in the calculation of the nine consecutive years referred to in subsection (5).
- Dismissal for cause** (9) A member of the Board may be dismissed for cause upon the motion of any other member of the Board.
- Item** (10) Notice of a motion brought under subsection (9) shall be given to each member of the Board by sending the notice by prepaid mail to the latest address shown on the records of the College for each member at least thirty days before the date of the meeting at which the motion will be considered.
- Item** (11) A motion brought under subsection (9) shall be voted on by secret ballot and shall not carry unless it receives the affirmative vote of at least two thirds of the votes cast at the meeting.
- Vacancy** (12) Where a vacancy occurs among the elected members of the Board, the remaining members of the Board shall forthwith call a meeting of the Board to elect a new member to fill the vacancy on the Board, and the person so elected shall serve for the balance of the unexpired term of the vacating member.
- Quorum** (13) Unless the by-laws otherwise provide, a majority of the Board constitutes a quorum for the transaction of business, but in no case shall the quorum be less than a majority of the Board.

(14) Subject to subsections (11) and (15), all by-laws and resolutions of the Board shall be passed by a majority of the votes cast at the meeting of the Board. Majority vote

(15) A by-law or resolution of the Board that alters the doctrinal statement of the College, as laid down by by-law, shall be passed only upon the approval of all Board members. Doctrinal statement

(16) In case of an equality of votes, the chairman of the Board, in addition to his original vote, shall have a second and deciding vote. Deciding vote

5.—(1) The Board shall elect annually, by secret ballot from among its members, a chairman who shall preside at all meetings of the Board and a vice-chairman and they shall both be eligible for re-election. Chairman and vice-chairman

(2) The Board shall elect annually a secretary, a treasurer and such other officers as the Board may determine from time to time who shall all be eligible for re-election for successive terms and the secretary, the treasurer and the other officers elected under this subsection need not be members of the Board. Other officers

(3) If the chairman is absent for any reason or the chairman's office is vacant, the vice-chairman shall act as and have all the powers of the chairman. Vice-chairman

(4) If any office referred to in this section is vacant or if for any reason any officer is unable to act, the Board may designate another eligible person to act in that behalf. Vacancies

6.—(1) The Board shall meet every two months and at such other times as the chairman of the Board, or in his absence the vice-chairman of the Board, considers necessary. Meetings

(2) Any two members of the Board may request an extraordinary meeting of the Board upon written notice being sent to every other member of the Board at the latest address shown on the records of the College for each member giving thirty days notice of the meeting. Extraordinary meetings

(3) In addition to its other meetings, the Board shall hold an annual meeting once in each calendar year. Annual meeting

7. The government, conduct, management and control of the College and of its property, revenues, expenditures and affairs are vested in the Board and the Board has all powers necessary or convenient to perform its duties and to achieve Powers of Board

the objects and purposes of the College including, without limiting the generality of the foregoing, the power,

- (a) to enact by-laws for the conduct of its affairs;
- (b) to establish and terminate programs and courses of study after consideration of the recommendations, if any, of the academic council;
- (c) to appoint, promote, suspend and remove administrative officers of the College and the members of the administrative staff;
- (d) to appoint and promote the academic officers and members of the faculty;
- (e) to grant leave to and to suspend and remove the academic officers and members of the faculty;
- (f) to define the duties of the academic officers, the faculty, the administration officers and the administrative staff, and to fix their salaries and remuneration, and to provide for the further benefits for such person, including without limiting the generality of the foregoing, the provision of the retirement of such people, and to create any funds necessary for that purpose either with the money of the College or through contributions from such persons, or from a combination of both;
- (g) to establish, change and terminate academic units within the College and determine the powers and duties of any such unit;
- (h) to appoint committees and to delegate to any such committee the power and authority to act for the Board with respect to any matter or class of matters, but where power and authority to act for the Board are delegated to a committee, a majority of the members of committee shall be members of the Board;
- (i) to federate or affiliate the College with any other institution of higher learning;
- (j) to establish and collect fees and charges for tuition and for services of any kind offered by the College and collect fees and charges on behalf of any entity, organization or element of the College;

- (k) to borrow money for the purposes of the College and give security therefor on such terms and in such amounts as it may consider advisable;
- (l) to invest all money, that comes into the College and is not required to be expended for any purpose to which it lawfully may be applied, subject to any express limitations or restrictions on investment powers imposed by the terms of the instruments creating any trust as to the same, in such manner as it considers proper, and to except where a trust investment otherwise directs, to combine trust monies belonging to those trusts in its care into a common trust fund;
- (m) to acquire, accept, solicit or receive, by purchase, lease, deed, contract, donation, legacy, gift, grant, bequest, devise or otherwise, any kind of real or personal property and to enter into and carry out agreements, contracts and undertakings incidental thereto and to hold any such property, and to sell, lease, mortgage, dispose of and convey the same or any part thereof or interest therein as the Board may consider advisable;
- (n) to hold, manage, sell or convert any of the real or personal property from time to time owned by the College and to invest and reinvest any principal in such manner as may from time to time be permitted in investments authorized by law for trustees;
- (o) to acquire and maintain such real property, equipment and furnishings as the Board may consider necessary for the operation of the College, and to erect, maintain, equip and furnish such other buildings and structures as the Board may consider necessary for the purpose of the College including residences and dining halls for the use of the faculty, administrative staff and students of the College;
- (p) to make such rules and regulations as the Board may consider necessary respecting the management and control of residences and dining halls and the property and operation of the College in general;
- (q) to appoint a member or members of the Board or any other person or persons to execute on behalf of the Board,

- (i) documents and other instruments in writing generally, or
 - (ii) specific documents and other instruments in writing,
- and to affix the corporate seal of the College there-to;
- (r) to enact by-laws to regulate the admission, as members of the Board and as faculty of the College, of individuals who are members of a fundamental Baptist Church and who are in full accord with and subscribe to the doctrinal statement of the College as set out in the by-laws, and who are in agreement with the philosophy and objects of the College;
 - (s) to adopt a doctrinal statement for the College;
 - (t) to create one or more advisory bodies and to determine the composition, functions and procedures of any such body; and
 - (u) to designate any church as a supporting church of the College.

President

8.—(1) The College shall be administered by a president appointed by and under the direction of the Board.

Duties

(2) The president is responsible for the direction of the faculty and the administrative staff.

Academic Council

9.—(1) There shall be an Academic Council of the College composed of,

- (a) the President of the College;
- (b) all academic deans; and
- (c) at least one and not more than three persons who are faculty members, the number to be determined from time to time by the Academic Council, and the person or persons shall be elected by secret ballot by the faculty.

Powers and duties

(2) The Academic Council has the following powers and duties:

1. To recommend to the Board the establishment and termination of programs and courses of study.

2. To determine the curricula of all programs and courses of study, standards of admission to the College and continued registration therein, and the qualifications for graduation.
3. To conduct examinations, appoint examiners and decide all matters related to examinations and the appointment of examiners.
4. To award fellowships, scholarships, bursaries, medals, prizes and other marks of academic achievements.
5. To award diplomas and certificates and to grant the degrees of Bachelor of Theology, Bachelor of Sacred Music, Bachelor of Religious Education, Master of Theology, Master of Religious Education, Master of Sacred Music, Master of Divinity, Doctor of Theology, Doctor of Religious Education, Doctor of Sacred Music and Doctor of Divinity.
6. To appoint committees and delegate thereto the power and authority to act for them with respect to any matter or class of matters set out in paragraphs 1 to 5, but where such power and authority to act are delegated to a committee, a majority of the members of the committee shall be members of the Academic Council or the faculty or a combination thereof.
7. To determine from time to time the number of faculty members to be elected to the Academic Council under clause (1) (c), and to determine the terms of office of one, two or three years, as the case may be, for each such member.
8. To determine the procedures to be followed in the election of members of the Academic Council, to conduct such elections, and to determine any dispute as to the eligibility of a candidate at such election or to a person to vote thereat.
9. To do all things necessary for carrying out the powers and duties as set out in paragraphs 1 to 8.

(3) The President shall be the chairman of the Academic Council. Chairman

10.—(1) Subject to subsections (2) and (3), the meetings of the Board and the Academic Council shall be open to the Meetings
open to
public

public and prior notice of meetings shall be given to the members of the Board or the Academic Council, as the case may be, and to the public in such manner as the Board or Academic Council shall respectively determine and no persons shall be excluded from a meeting except for improper conduct as determined by the Board or the Academic Council, as the case may be.

Exception (2) Where a matter is confidential to the College, that part of a meeting of the Board or the Academic Council, as the case may be, concerning such a matter may be held *in camera*.

Idem (3) Where a matter of a personal nature concerning an individual may be considered at a meeting of the Board or the Academic Council, as the case may be, that part of the meeting concerning the individual shall be held *in camera* unless the individual and the Board agree that that part of the meeting be open to the public.

**By-laws,
publication** **11.**—(1) The College shall publish its by-laws from time to time in such manner as the Board shall consider proper.

**Idem,
examination** (2) The by-laws of the College shall be open to examination by the public during the normal office hours of the College.

**Auditors
R.S.O. 1980,
c. 405** **12.**—(1) The Board shall appoint one or more auditors licensed under *Public Accountancy Act* to audit the accounts and transactions of the College at least once a year.

Availability (2) The annual audited statements of the College shall be made available to all supporters of the College in such manner as the Board may determine.

**Fiscal
year** (3) The fiscal year of the College shall be as established from time to time by the Board.

**Non-profit
corporation** **13.**—(1) The College shall be carried on without the purpose of gain for the members of the Board and any profits or other accretions to the College shall be used in promoting its objects and purposes.

Idem (2) The property of the College shall be applied solely for the objects and purposes of the College.

Dissolution **14.** Upon the dissolution or winding up of the College, all its remaining property, after the payment of all debts and liabilities, shall be distributed to one or more recognized charitable organizations in Canada having objects of an educational nature as similar as possible to those of the College.

15. This Act comes into force on the day it receives Royal Assent. Commencement

16. The short title of this Act is the *Baptist Bible College Canada and Theological Seminary Act, 1984*. Short title

SCHEDULE

First Board of Governors of Baptist Bible College Canada and Theological Seminary.

Dr. Harry Strachan, D.S.

Gordon Horne

Theodore Bugg

Arthur Wiedrick

Wray Stone

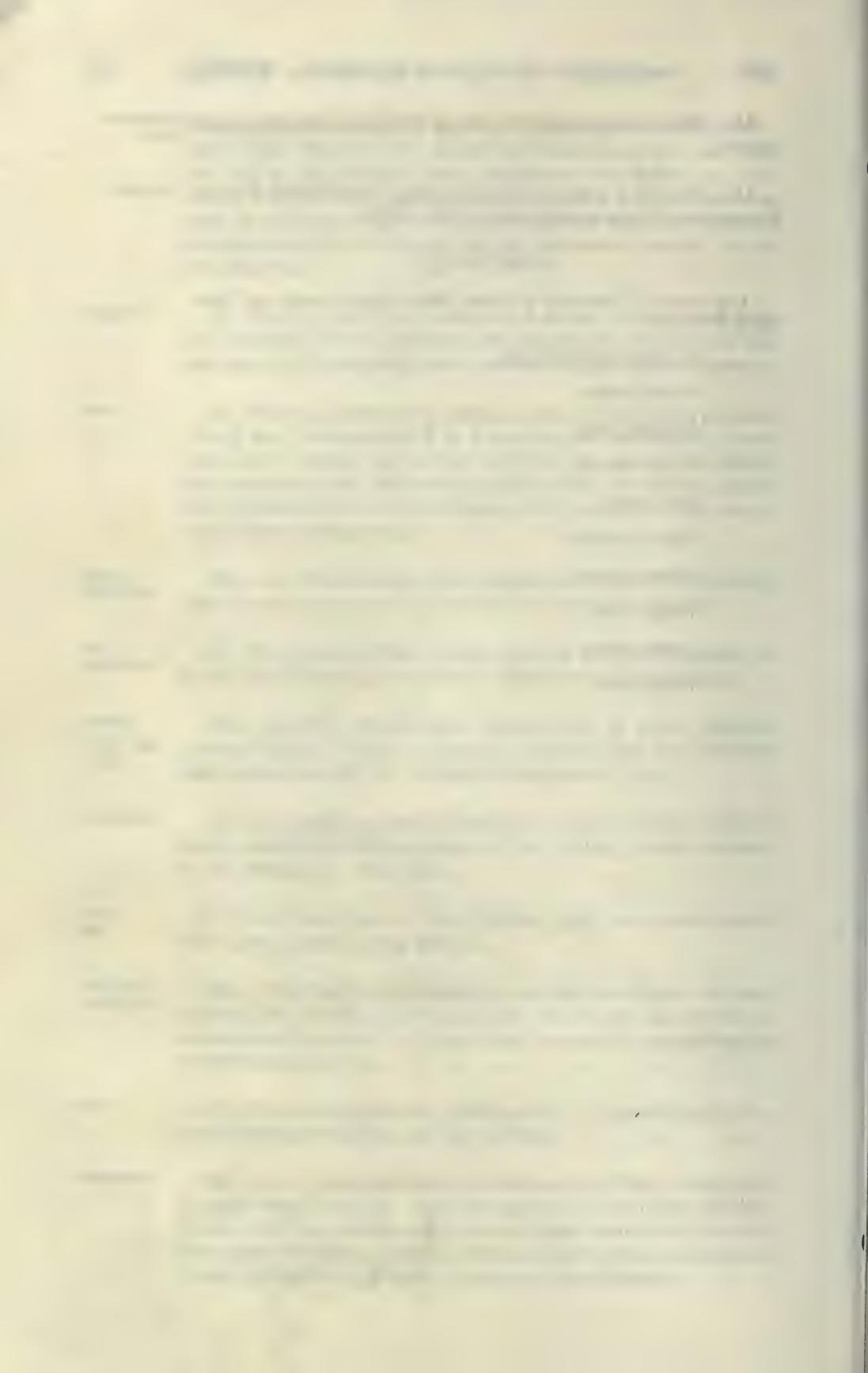
Aaron Doerksen

Robert Laidlaw

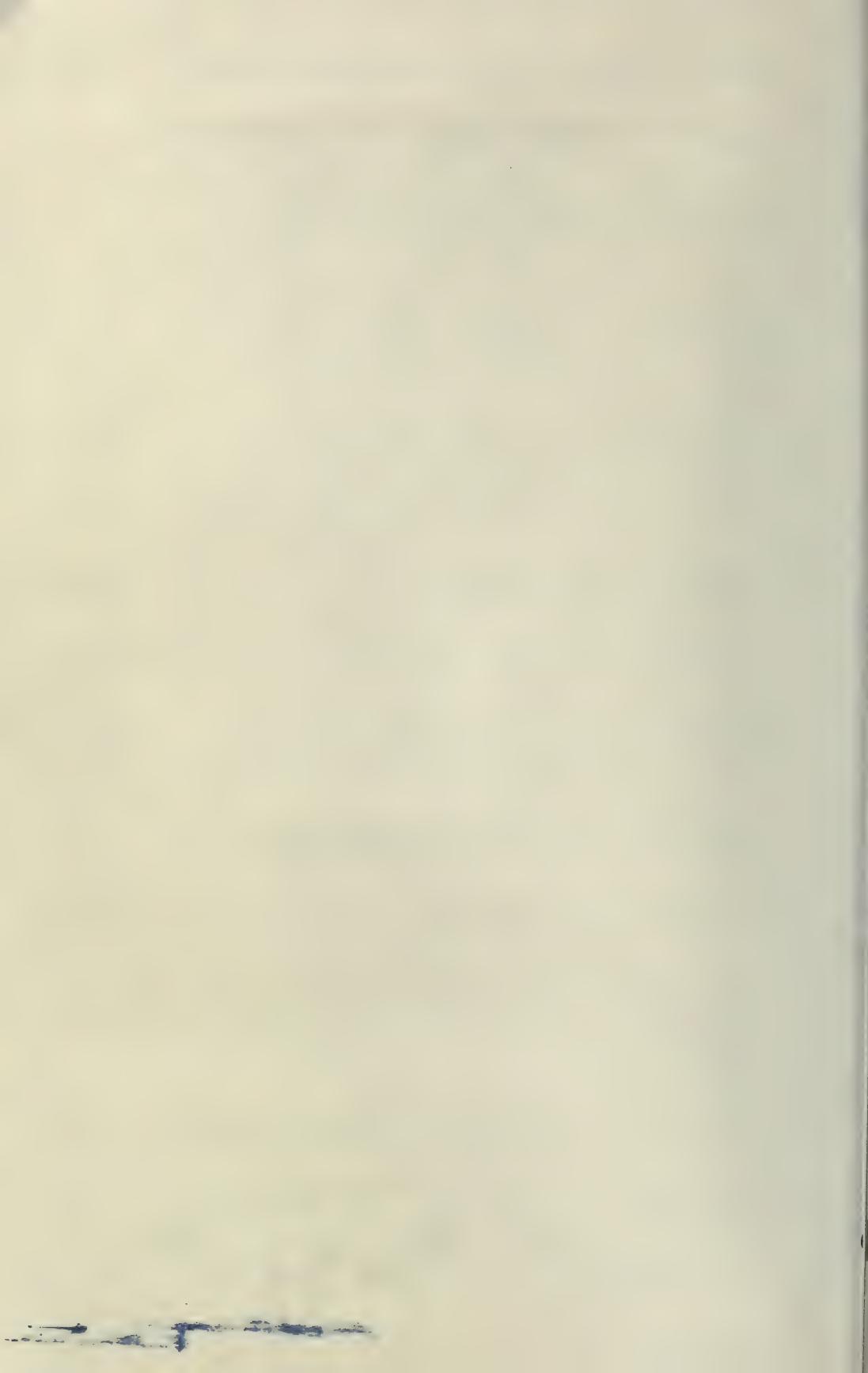
Douglas Pipe

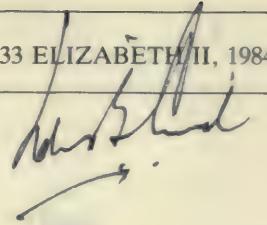
Gerald Ronson

Frank Lloyd









Bill Pr17

(*Chapter Pr8
Statutes of Ontario, 1984*)

An Act respecting the Oakville Young Men's Christian Association— Young Women's Christian Association

Mr. Kerr

<i>1st Reading</i>	March 27th, 1984
<i>2nd Reading</i>	May 8th, 1984
<i>3rd Reading</i>	May 8th, 1984
<i>Royal Assent</i>	May 17th, 1984



RODOLPHE LEWIS
CLERK
LEGISLATIVE ASSEMBLY

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Bill Pr17

1984

**An Act respecting the
Oakville Young Men's Christian Association—
Young Women's Christian Association**

Whereas the Oakville Young Men's Christian Association —Young Women's Christian Association, herein called the Corporation, hereby represents that it was incorporated by letters patent dated the 6th day of October, 1964; that the object of the Corporation is the improving of the spiritual, moral, social, educational and physical life of its members and others; that the Corporation is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that it is desirable that provision be made for exempting the real property of the Corporation situate in the Town of Oakville, more particularly described in the Schedule hereto from taxation for municipal and school purposes, other than local improvement rates; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

R.S.C. 1952,
c. 148

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of The Corporation of the Town of Oakville may pass by-laws exempting from taxes for municipal and school purposes, other than local improvement rates, the land, as defined in the *Assessment Act*, occupied by the Corporation, being the lands and premises described in the Schedule, so long as the land is owned, occupied and used solely for the purposes of the Corporation.

Tax
exemptionR.S.O. 1980,
c. 31

(2) An exemption granted under subsection (1) may be subject to such conditions as may be set out in the by-law.

Conditions
Deemed
exemption
R.S.O. 1980,
c. 436

2. For the purposes of subsection 90 (9) of the *Regional Municipality of Halton Act*, the exemption from taxation granted under section 1 shall be deemed to be an exemption provided under section 3 of the *Assessment Act*.

Retroactive
by-law

3. A by-law passed under section 1 may be retroactive to the 1st day of January, 1984.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Oakville Young Men's Christian Association—Young Women's Christian Association Act, 1984*.

SCHEDULE

That parcel of land and premises being part of Lot 19, in Concession 3, South of Dundas Street, in the Town of Oakville, in The Regional Municipality of Halton, shown on a Plan of Survey of record in the Office of the Director of Titles at Toronto as Plan CTA-356, more particularly described as follows:

PREMISING that the northwesterly limit of Lakeshore Road (known as Highway No. 2) has an assumed bearing of North 37 degrees 59 minutes 30 seconds East and relating all bearings herein thereto;

COMMENCING at an iron bar in the northeasterly limit of the said Lot 19 distance 390 feet measured northwesterly therealong from the point of intersection of the said northeasterly limit of the said Lot 19 with the northwesterly limit of Lakeshore Road;

Thence North 44 degrees 40 minutes 30 seconds West along the said northeasterly limit of the said Lot 19 a distance of 456 feet 5.5 inches to an iron bar in the southeasterly limit of Rebecca Street;

Thence South 41 degrees 18 minutes 30 seconds West along the southeasterly limit of Rebecca Street a distance of 435 feet 8.5 inches to an iron bar, which iron bar is situate 240 feet from the northeasterly angle of Lot 17 on registered Plan 621, registered in the Land Registry Office for the Registry Division for Halton (No. 20);

Thence South 44 degrees 48 minutes 30 seconds East 484 feet to an iron bar;

Thence South 41 degrees 18 minutes 30 seconds West 240 feet to an iron pipe in the northeasterly limit of the said Plan 621;

Thence South 44 degrees 48 minutes 30 seconds East along the last mentioned limit and the production southeasterly therealong in all a distance of 401 feet 6.5 inches to an iron pipe in the northwesterly limit of Lakeshore Road;

Thence North 37 degrees 58 minutes 30 seconds East along the northwesterly limit of Lakeshore Road 377 feet 8 inches to an iron bar;

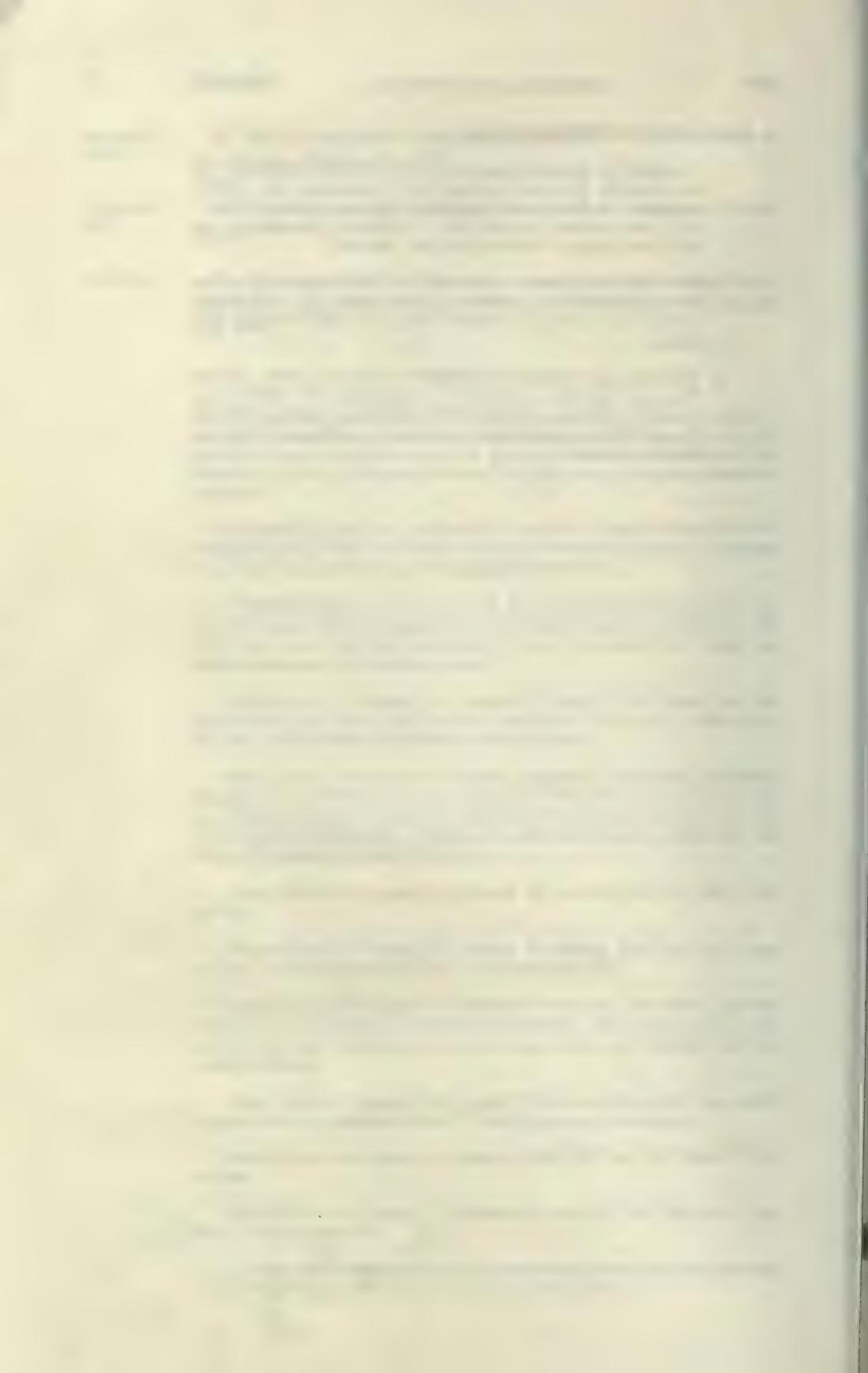
Thence North 44 degrees 55 minutes West 407 feet 3.25 inches to an iron bar;

Thence North 41 degrees 18 minutes 30 seconds East 300 feet to the point of commencement.

The intention hereof being that the monuments shown on the said Plan CTA-356 govern the limits of the herein described lands.

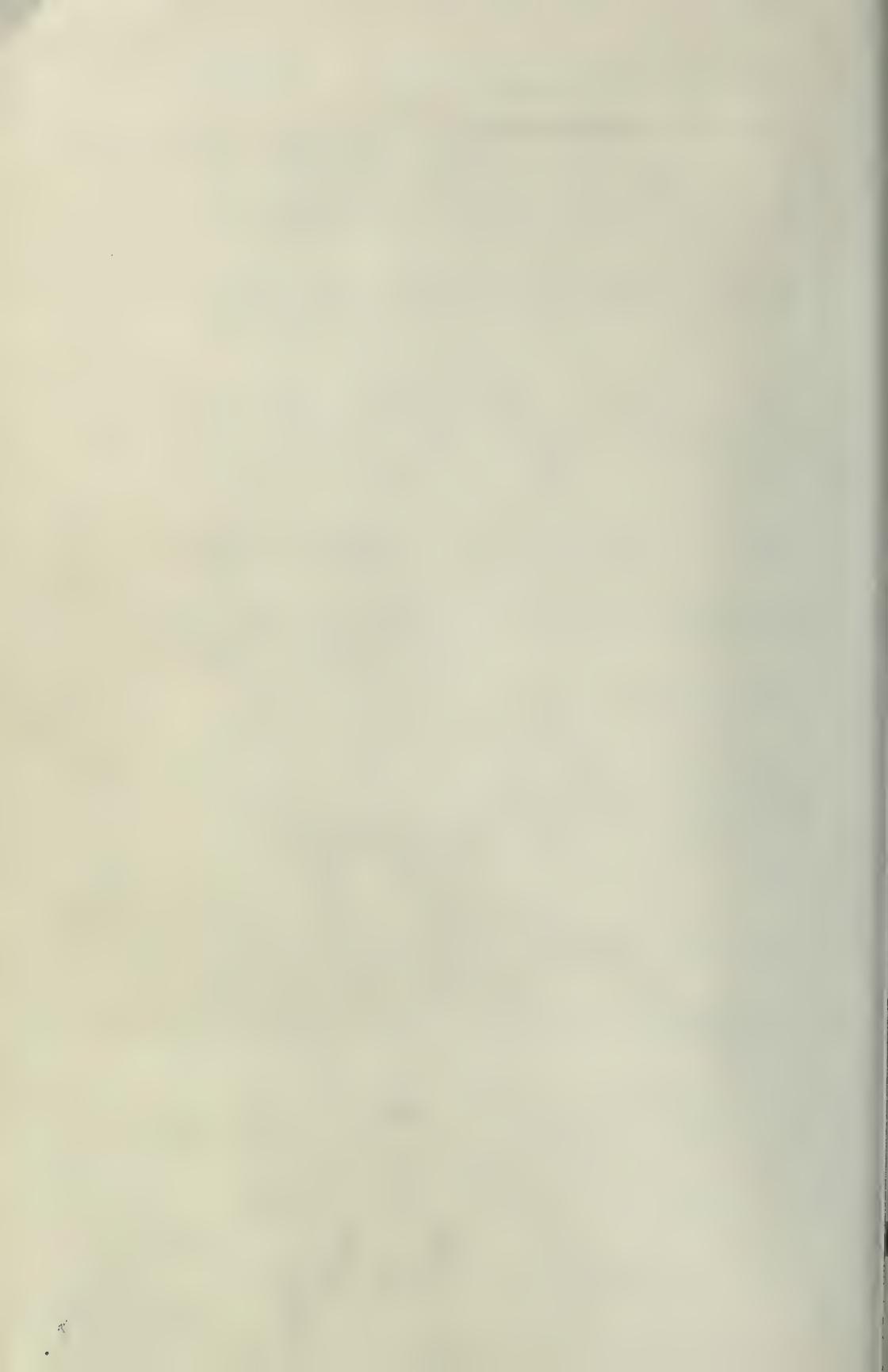
SAVE AND EXCEPT the following:

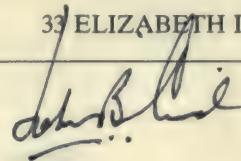
1. The land and premises conveyed to The Oakville Association for the Mentally Retarded as described in Instrument No. 320942 registered the 7th day of September, 1971, and shown as Parts 1 to 6, both inclusive, on the Plan of Reference deposited in the said Land Registry Office as Plan No. 20R-4997.
2. The land and premises conveyed to The Corporation of the Town of Oakville as described in Instrument No. 323250 registered the 8th day of October, 1971, for road widening purposes.
3. The land and premises conveyed to The Corporation of the Town of Oakville as described in Instrument No. 408717 registered the 4th day of April, 1975, and shown as Part 1 on the Plan of Reference deposited in the said Land Registry Office as Plan No. 20R-1893.



1920-1930

1920-1930





Bill Pr18

(*Chapter Pr4
Statutes of Ontario, 1984*)

An Act to revive Zeta Psi Elders Association of Toronto

Mrs. Scrivener

<i>1st Reading</i>	March 23rd, 1984
<i>2nd Reading</i>	May 1st, 1984
<i>3rd Reading</i>	May 1st, 1984
<i>Royal Assent</i>	May 1st, 1984



RODEN G. LEWIS
CLERK
LEGISLATIVE ASSEMBLY

REFERENCES

1. Borchardt, H. *Die chemischen und physikalischen Methoden der Analyse*. Berlin, 1883.

2. Borchardt, H. *Die chemischen und physikalischen Methoden der Analyse*. Berlin, 1883.

3. Borchardt, H. *Die chemischen und physikalischen Methoden der Analyse*. Berlin, 1883.

4. Borchardt, H. *Die chemischen und physikalischen Methoden der Analyse*. Berlin, 1883.

5. Borchardt, H. *Die chemischen und physikalischen Methoden der Analyse*. Berlin, 1883.

6. Borchardt, H. *Die chemischen und physikalischen Methoden der Analyse*. Berlin, 1883.

7. Borchardt, H. *Die chemischen und physikalischen Methoden der Analyse*. Berlin, 1883.

8. Borchardt, H. *Die chemischen und physikalischen Methoden der Analyse*. Berlin, 1883.

9. Borchardt, H. *Die chemischen und physikalischen Methoden der Analyse*. Berlin, 1883.

10. Borchardt, H. *Die chemischen und physikalischen Methoden der Analyse*. Berlin, 1883.

11. Borchardt, H. *Die chemischen und physikalischen Methoden der Analyse*. Berlin, 1883.

12. Borchardt, H. *Die chemischen und physikalischen Methoden der Analyse*. Berlin, 1883.

13. Borchardt, H. *Die chemischen und physikalischen Methoden der Analyse*. Berlin, 1883.

14. Borchardt, H. *Die chemischen und physikalischen Methoden der Analyse*. Berlin, 1883.

15. Borchardt, H. *Die chemischen und physikalischen Methoden der Analyse*. Berlin, 1883.

16. Borchardt, H. *Die chemischen und physikalischen Methoden der Analyse*. Berlin, 1883.

17. Borchardt, H. *Die chemischen und physikalischen Methoden der Analyse*. Berlin, 1883.

18. Borchardt, H. *Die chemischen und physikalischen Methoden der Analyse*. Berlin, 1883.

19. Borchardt, H. *Die chemischen und physikalischen Methoden der Analyse*. Berlin, 1883.

20. Borchardt, H. *Die chemischen und physikalischen Methoden der Analyse*. Berlin, 1883.

Bill Pr18

1984

**An Act to revive Zeta Psi Elders Association of
Toronto**

Whereas David W. Fairles hereby represents that Zeta Psi ^{Preamble} Elders Association of Toronto, herein called the Corporation, was incorporated by letters patent dated the 8th day of May, 1940, as a corporation without share capital that was to be carried on without the purpose of gain for its members; that the Minister of Consumer and Commercial Relations by Order dated the 17th day of July, 1979 and made under the authority of subsection 347 (9) of *The Corporations Act*, being chapter 89 of the Revised Statutes of Ontario, 1970, cancelled the letters patent of the Corporation for default in complying with section 5 of *The Corporations Information Act, 1976*, being chapter 66, and declared the Corporation to be dissolved on July 17, 1979; that through inadvertence the Corporation had failed to give notice of the change of its mailing address, and that as a result, the Notice of Default and the Notice of Dissolution issued on behalf of the Minister were never received by the Corporation or any of its officers or directors; that the applicant was the President and one of the directors of the Corporation at the time of its dissolution; that at the time of dissolution the Corporation held certain assets and real property on behalf of its members; and whereas the applicant hereby applies for special legislation reviving the Corporation; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** Zeta Psi Elders Association of Toronto is hereby revived and is, subject to any rights acquired by any person after its dissolution, hereby restored to its legal position as a corporation without share capital incorporated by letters patent, including all its property, rights, privileges and franchises and subject to all its liabilities, contracts, disabilities and debts as of the date of its dissolution in the same manner and to the same extent as if it had not been dissolved.

Zeta Psi
Elders
Association
of Toronto
revived

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Zeta Psi Elders Association of Toronto Act, 1984*.

Bill Pr19

*(Chapter Pr17
Statutes of Ontario, 1984)*

An Act respecting the City of London

Mr. Van Horne

<i>1st Reading</i>	June 13th, 1984
<i>2nd Reading</i>	November 23rd, 1984
<i>3rd Reading</i>	November 23rd, 1984
<i>Royal Assent</i>	November 27th, 1984



CLERK
LEGISLATIVE ASSEMBLY

1948-50

1948-50 ~~1948-50~~

Bill Pr19**1984****An Act respecting the City of London**

Whereas The Corporation of the City of London, herein called the Corporation, hereby represents that the council of the Corporation was authorized by section 13 of *The City of London Act, 1960* to exempt by by-law The London Little Theatre Incorporated from municipal taxation, except for local improvement rates with respect to the Grand Theatre; that The London Little Theatre Incorporated is now known as Theatre London Foundation; that it is desirable that the authority to grant an exemption from taxation be extended to authorize an exemption from taxation for school purposes; and whereas the Corporation hereby applies for special legislation for such purposes; and whereas it is expedient to grant the exemption;

Preamble

1960, c. 153

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of the Corporation may pass by-laws exempting from taxes for municipal and school purposes, other than local improvement rates, the land, as defined in the *Assessment Act*, of Theatre London Foundation, being the land and building known as the Grand Theatre.

Tax
exemption,
Theatre
London
Foundation
R.S.O. 1980,
c. 31

(2) A by-law passed under subsection (1),

Idem

- (a) may be restricted in its application to such part or parts of the land as is or are set out in the by-law;
- (b) may provide that the exemption is subject to such terms and conditions as are set out in the by-law;
- (c) shall not exempt any part or parts of the land that is or are not occupied and used for theatre purposes;
- (d) shall not be effective in respect of an exemption from taxes for school purposes without the consent of The Board of Education for the City of London.

Retroactive
by-law

2. A by-law passed under section 1 may be retroactive to the 1st day of January, 1984.

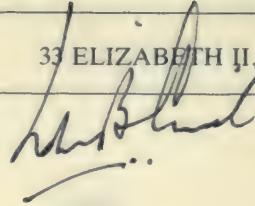
3. Section 13 of *The City of London Act, 1960*, being chapter 153, is repealed.

Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *City of London Act, 1984*.



Bill Pr20

(*Chapter Pr9
Statutes of Ontario, 1984*)

An Act to continue The Corporation of the Townships of Shackleton and Machin under the name of The Corporation of the Township of Fauquier-Strickland

Mr. Piché

<i>1st Reading</i>	April 10th, 1984
<i>2nd Reading</i>	May 8th, 1984
<i>3rd Reading</i>	May 8th, 1984
<i>Royal Assent</i>	May 17th, 1984



Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY

Bill Pr20

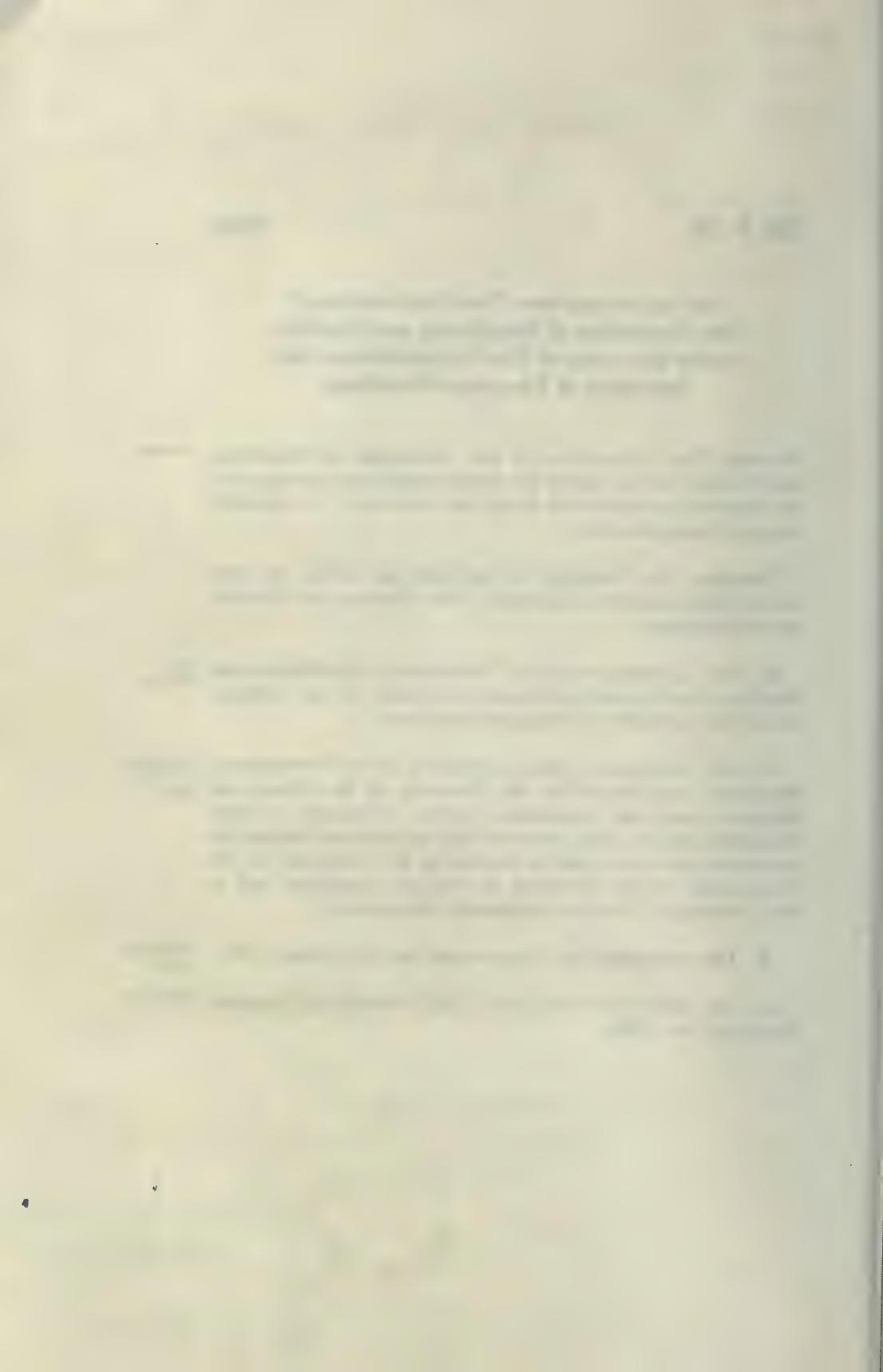
1984

**An Act to continue The Corporation of
the Townships of Shackleton and Machin
under the name of The Corporation of the
Township of Fauquier-Strickland**

Whereas The Corporation of the Townships of Shackleton and Machin hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Corporation of the Townships of Shackleton and Machin is hereby continued under the name of The Corporation of the Township of Fauquier-Strickland. Name changed
2. Any reference to The Corporation of the Townships of Shackleton and Machin or the Township of Shackleton and Machin in any Act, regulation, by-law, agreement or other document passed, made, entered into or executed before this Act comes into force shall be deemed to be a reference to The Corporation of the Township of Fauquier-Strickland and to the Township of Fauquier-Strickland, respectively. References to former name
3. This Act comes into force on the 1st day of June, 1984. Commencement
4. The short title of this Act is the *Township of Fauquier-Strickland Act, 1984.* Short title



Bill Pr22

*(Chapter Pr14
Statutes of Ontario, 1984)*

An Act respecting the Ontario Association of Certified Engineering Technicians and Technologists

Mr. Mitchell

<i>1st Reading</i>	May 24th, 1984
<i>2nd Reading</i>	June 22nd, 1984
<i>3rd Reading</i>	June 22nd, 1984
<i>Royal Assent</i>	June 27th, 1984

Roderick Lewis
CLERK
LEGISLATIVE ASSEMBLY

Bill Pr22**1984****An Act respecting the Ontario Association of Certified Engineering Technicians and Technologists**

Whereas the Ontario Association of Certified Engineering Technicians and Technologists represents that it was incorporated under the laws of Ontario by letters patent dated the 19th day of March, 1962; that the Association desires to be continued as a corporation for the purpose of carrying out the objects of the Association and of the government and discipline of its members and aspirants; and whereas the Association desires to grant to its members the exclusive right to use the designations "Certified Engineering Technician" or "Certified Technician" and the designations "Certified Engineering Technologist" or "Applied Science Technologist" or their respective abbreviations; and whereas the Association hereby applies for special legislation for such purposes; and whereas it is expedient to grant such application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,**Interpretation**

- (a) "Association" means the Ontario Association of Certified Engineering Technicians and Technologists;
- (b) "by-law" means a by-law of the Association;
- (c) "Council" means the Council of the Association;
- (d) "person" means an individual;
- (e) "registered" means registered under this Act and "registration" has a corresponding meaning;
- (f) "Registrar" means the Registrar of the Association.

Continuation

2.—(1) The Ontario Association of Certified Engineering Technicians and Technologists is hereby continued as a corporation without share capital and the persons registered as members in any category of the Association on the day this Act comes into force and such other persons as are thereafter registered constitute the corporation.

Council
and
officers

(2) The members of the Council and the officers of the Association in office immediately prior to the day this Act comes into force are hereby continued in office until their successors are appointed or elected in accordance with this Act and the by-laws.

Letters
patent
revoked

(3) The letters patent of the Association are revoked on the day this Act comes into force but their revocation does not affect the rights, duties, licences, privileges, contracts or obligations of the Association.

By-laws
confirmed

(4) The by-laws of the Association and the resolutions of Council in force immediately prior to the day this Act comes into force are confirmed except to the extent of any provision that is inconsistent with this Act.

Objects

3.—(1) The objects of the Association are:

1. To establish, maintain and conduct an institute or association within Ontario for engineering technologists and engineering technicians for the purpose of granting registration and membership to such persons who meet the standards of the Association.
2. To maintain discipline among its members.
3. To assist members in advancing their status, recognition and welfare and in increasing their knowledge, skill and proficiency.
4. To establish and maintain consistent qualification requirements for registration by the Association of engineering technologists, engineering technicians and other classes of members.
5. To establish, promote and enforce high ethical and professional standards of conduct for engineering technologists, engineering technicians and other classes of members of the Association.
6. To accept donations, gifts, legacies and bequests for use in promoting the objects and carrying on the work of the Association.

7. To carry on benevolent work in connection with the families of dead, retired or incapacitated members who are in need.

8. To co-operate with other organizations having objects, wholly or in part, the same as or similar to the objects of the Association.

(2) For the purposes of carrying out its objects, the Association has the capacity and the powers of a natural person. Capacity

4.—(1) The affairs of the Association shall be controlled and managed by the Council, consisting of at least seventeen councillors but not more than thirty councillors, at least two-thirds of whom shall be elected by the members and the balance of whom shall be appointed. Council

(2) The Association may by by-law divide the membership of the Association into regions for the purpose of providing for the holding of local meetings, the organization of local activities and the election of one or more councillors. Regions

(3) The Association shall provide by by-law a means whereby the members of the Association, by mailed ballot, may elect a majority of the Council, either by a single ballot for the entire bench of local representatives, or by a system of voting within regions whereby a member has the chance to vote for his regional representative only. Election of councillors

(4) The President and the Vice-Presidents shall be elected by mailed ballot from amongst the members according to the procedure set forth in the by-laws and so long as they hold office as such, they shall be councillors *ex officio*. President, etc.

(5) The remainder of the councillors shall be chosen by the Council in accordance with the by-laws which may make provision for automatic appointment to Council for the holders of additional offices, or for the appointment of representatives of particular categories of members or of other bodies or institutions whose affairs are considered by the Council to relate to those of the Association. Appointed councillors

5.—(1) The following persons are disqualified from being the President, a Vice-President or a councillor: Qualifications of councillors

1. Persons who are less than eighteen years of age.
2. Persons who have been so found by a court to be of unsound mind.

- 3. Persons who are bankrupts.
 - 4. Persons who are not resident or employed in Canada.
- Idem** (2) All elected councillors shall be either Certified Engineering Technicians or Certified Engineering Technologists.
- Vacating office** (3) A councillor ceases to hold office when the councillor,
 - (a) dies or resigns;
 - (b) is removed in accordance with the by-laws; or
 - (c) becomes disqualified under subsection (1) or ceases to be qualified under subsection (2).

Resignation (4) A resignation of a councillor becomes effective at the time the written resignation is received by the Association or at the time specified in the resignation, whichever is later.

Quorum **6.** At any meeting of Council a majority of the councillors shall constitute a quorum.

Vacancies **7.** In the case of the death, resignation, absenteeism or incapacity, as defined in the by-laws, of a councillor, the Council may declare his seat vacant whereupon it may be filled by Council for the balance of the term in accordance with such procedures as may be provided by by-law.

Officers **8.—(1)** The by-laws may provide for such officers as the conduct of the affairs of the Association may require and shall set out the term, qualification and method of appointment thereof.

Registrar **(2)** The Council shall appoint a Registrar who need not be a councillor and the Registrar shall perform the functions assigned to him by this Act and such other duties as may be assigned to him by the Council.

Proxy **9.** The by-laws shall make provision for the right of a member of the Association to be represented and to vote at general or other meetings of the members of the Association by proxy but a proxy must be a member in good standing.

By-laws **10.—(1)** The Council may pass by-laws regarding such matters as are necessary to conduct the business and carry out the objects of the Association and, without restricting the generality of the foregoing, in addition to the matters specifically provided elsewhere in this Act, the Council may pass by-laws,

- (a) prescribing the qualifications for and the conditions of registration for students;
- (b) prescribing the curriculum and the courses of study to be pursued by students in order to satisfy the academic requirements of any particular registration;
- (c) prescribing the experience criteria to be met by candidates for registration;
- (d) prescribing the subjects or matters upon which students and candidates for registration may be examined;
- (e) regulating and governing the conduct of members of the Association in the practice of their business or profession, by prescribing a code of ethics, rules of professional conduct and standards of practice, and by providing for the suspension, expulsion or other penalty for professional misconduct, incapacity or incompetence;
- (f) prescribing fees payable to the Association;
- (g) governing the calling, holding and conducting of meetings of the Council and of the members of the Association;
- (h) establishing and providing for the administration of a benevolent fund for the benefit of any member of the Association or the families of deceased members of the Association who may require financial assistance and, for that purpose, providing for the receipt of contributions or donations and for contributions from the funds of the Association;
- (i) making provision for an executive committee to have all or such portion of the authority of Council between meetings of Council as may be prescribed therein; and
- (j) authorizing the making of grants for any purpose that may tend to advance knowledge of technology and technical education, or which may improve standards of practice in the Association, or support and encourage public information and interest in the past and present role of the Association in society.

- Idem (2) Every new by-law or change to an existing by-law is effective when it is passed by the Council but expires with the close of the next annual meeting of the members of the Association held after its passing, unless it is confirmed by the meeting.
- Idem (3) The by-laws of the Association shall be open to examination by the public at the head office of the Association during normal office hours.
- Status **11.**—(1) The Association shall grant any particular registration to every person who applies therefor in accordance with the by-laws and the rules of the Registration Board, if the person,
- (a) is of good character;
 - (b) is not less than eighteen years of age;
 - (c) has satisfied such academic and experience requirements as may be specified in the by-laws or by the rules of the Registration Board; and
 - (d) has passed such examinations as the Council or the Registration Board may prescribe by by-law, rule or otherwise.
- Interpretation (2) Whenever this Act refers generally to members, the by-laws may determine whether the provision applies to Student Members.
- Register (3) The Registrar shall keep a register in which shall be entered the names of all members of the Association in good standing, their status, and the disciplines to which any registration or certification relates and within which any member has the rights and privileges of practice.
- Idem (4) The register referred to in subsection (3) shall be open to examination by the public at the head office of the Association during normal office hours.
- Registration Board **12.**—(1) The Council shall appoint a Registration Board, consisting of such number of members serving for such terms and of such categories as provided by by-law.
- Rules (2) The Registration Board may pass rules to deal consistently and generally with discretions relating to registration under this Act and the by-laws and to provide details not provided by the by-laws.

(3) Any person refused registration by the Registrar may appeal the decision of the Registrar to the Registration Board by filing a notice of appeal with the Registrar.

(4) Where a notice is filed under subsection (3), the Registration Board shall hear the person filing the notice.

(5) The Registrar shall notify the applicant of the decision of the Registration Board following the determination of any appeal.

(6) If the Board upholds the decision of the Registrar, the notification shall set forth the names of the members who heard the appeal and participated in the decision and their reasons.

(7) An applicant refused registration by the Registration Board may appeal to Council by filing a notice of further appeal with the Registrar.

(8) Whenever a notice of further appeal has been filed, the Council shall hear the appeal but no councillor who is a member of the Registration Board shall sit upon the appeal to Council.

(9) The Council shall give the applicant a reasonable opportunity to prepare his case and shall hear the applicant or his counsel, as the applicant may choose, and all those hearing the appeal as well as the applicant shall be furnished beforehand with the reports of the members of the Registration Board as to the reasons why they concurred in or disagreed with the Board's decision.

13.—(1) Any person who has been refused membership or who has been subject to a disciplinary sanction under the by-laws may appeal to the Divisional Court from the refusal or from the sanction.

(2) An appeal under this section may be made on questions of law or fact, or both, and the Court may rescind any decision, may exercise all powers of any committee and may direct the Association to take any action that the Association is empowered to take as the Court considers proper and, for such purposes, the Court may substitute its opinion for that of any committee or of the Association or the Court may refer the matter back for rehearing in whole or in part, in accordance with such directions as the Court considers proper.

Filing record

(3) Where a person appeals to the Divisional Court, the Registrar shall forthwith file in the Divisional Court a record of the relevant proceedings.

Designations

14. The Association may by by-law employ the designations "Certified Engineering Technician" and "Certified Technician" which may be abbreviated as "C.Tech." and the designations "Certified Engineering Technologist" and "Applied Science Technologist" which may be abbreviated as "A.Sc.T.".

Use of designation

15.—(1) No person who is not registered as a Certified Engineering Technician under this Act shall,

- (a) use the designation "Certified Engineering Technician" or its abbreviation "C.E.T." alone or in combination with any other word, name, title, initial or description;
- (b) use the designation "Certified Technician" or its abbreviation "C.Tech." alone or in combination with any other word, name, title, initial or description; or
- (c) imply or hold out that he is a Certified Engineering Technician.

Idem

(2) No person who is not registered under this Act as a Certified Engineering Technologist shall,

- (a) use the designation "Certified Engineering Technologist" or its abbreviation "C.E.T." alone or in combination with any other word, name, title, initial or description;
- (b) use the designation "Applied Science Technologist" or its abbreviation "A.Sc.T." alone or in combination with any other word, name, title, initial or description; or
- (c) imply or hold out that he is a Certified Engineering Technologist.

Offence

(3) Every person who contravenes any provision in this section is guilty of an offence.

Rights preserved

(4) This Act does not affect or interfere with the right of any person to describe himself as a technologist, engineering technologist, technician or engineering technician, or to work

as a technologist, engineering technologist, technician or engineering technician.

16.—(1) In every case where registration is an issue, the production of a copy of the register, certified under the hand of the Registrar, is sufficient evidence of all persons who are registered and of the disciplines for which they are registered in lieu of the production of the original register, and any certificate upon such copy of the register purporting to be signed by a person in his capacity as Registrar is proof, in the absence of evidence to the contrary, that such a person is the Registrar without any proof of his signature or of his being in fact the Registrar.

Evidence of registration

(2) The absence of the name of any person from a copy of the register produced under subsection (1) is proof, in the absence of evidence to the contrary, that the person is not registered, and the absence of the designation of a particular discipline in respect of the registration of a member in a copy of the register produced under subsection (1) is proof, in the absence of evidence to the contrary, that the person is not registered in respect of such discipline.

17. Any surplus derived from carrying on the affairs and business of the Association shall be devoted and applied solely in promoting and carrying out its objects and purposes and shall not be divided among its members.

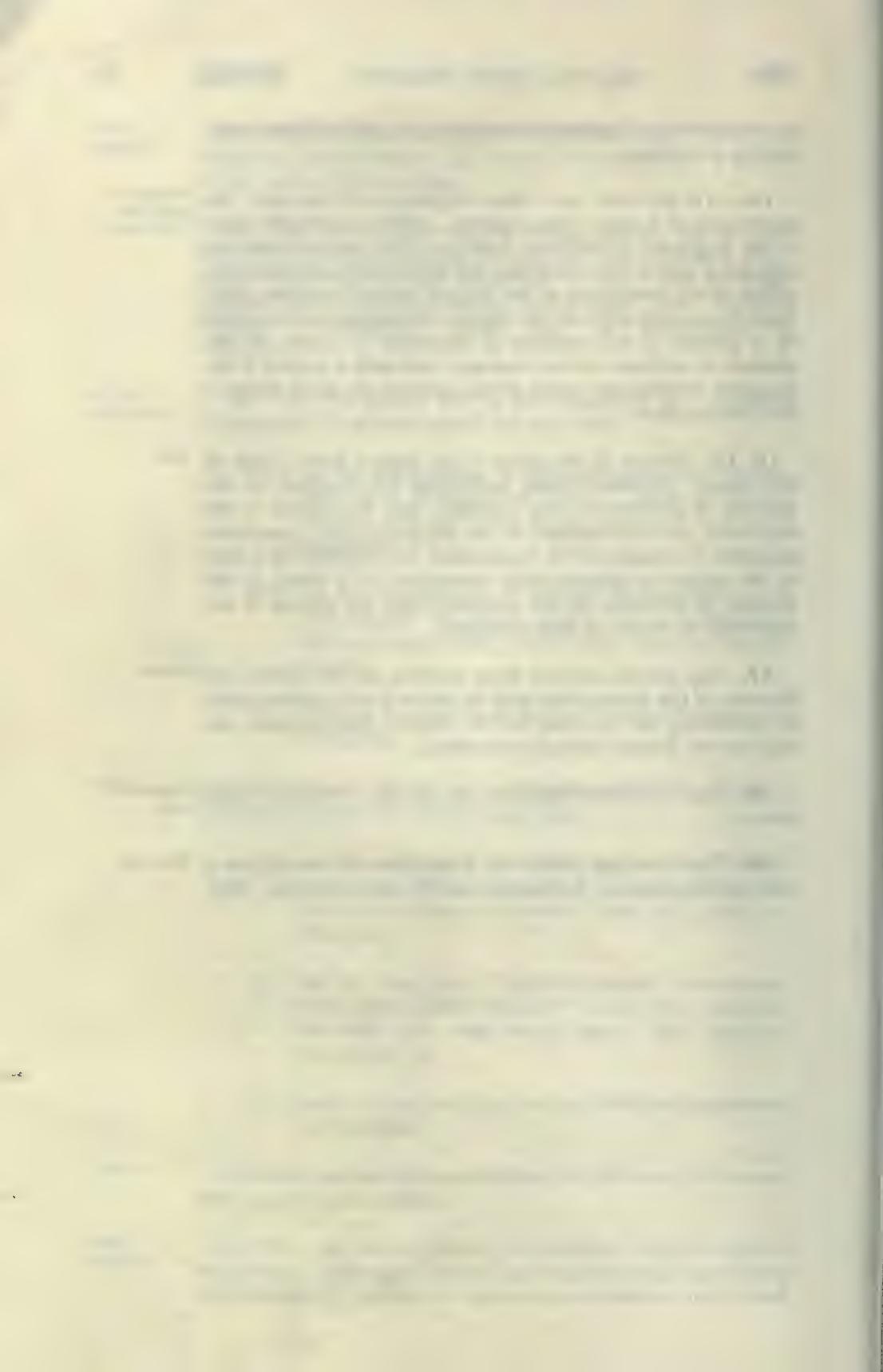
Surplus

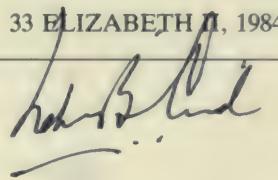
18. This Act comes into force on the day it receives Royal Assent.

Commencement

19. The short title of this Act is the *Ontario Association of Certified Engineering Technicians and Technologists Act, 1984.*

Short title
Commencement





Bill Pr24

*(Chapter Pr27
Statutes of Ontario, 1984)*

An Act respecting the City of Windsor

Mr. Newman

1st Reading May 31st, 1984

2nd Reading December 13th, 1984

3rd Reading December 13th, 1984

Royal Assent December 14th, 1984



CLERK
LEGISLATIVE ASSEMBLY

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Bill Pr24**1984****An Act respecting the City of Windsor**

Whereas The Corporation of the City of Windsor, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) In this section,

Interpretation

- (a) “officer” means a person designated by the council of the Corporation to enforce by-laws passed under this section;
- (b) “owner” includes the person for the time being managing or receiving the rent of the land or premises in connection with which the word is used whether on the person’s own account or as agent or trustee of any other person or who would so receive the rent if such land and premises were let, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to maintain any untravelled portion of a highway right of way;
- (c) “property standards committee” means the property standards committee established by by-law number 8062 of the Corporation.

(2) The council of the Corporation may pass by-laws,

Clearing of debris and cutting of grass on untravelled portion of highways

- (a) prescribing standards for the cutting of grass on that part of a highway right of way extending from the property line of the land abutting the highway to the curb or, where there is no curb, to the edge of the travelled portion of the highway; and

(b) requiring the owner of land abutting a highway to keep that part of the highway right of way extending from the property line of the owner's land to the curb or, where there is no curb, to the edge of the travelled portion of the highway, free and clear of debris and requiring the owner to cut the grass on such part of the highway right of way in accordance with the standards prescribed under clause (a).

Non-application
of by-law

(3) A by-law passed under subsection (2) does not apply to any part of a highway right of way lying between a fence and the travelled portion of a highway if the fence was erected pursuant to an agreement between an owner of land and the Corporation.

Notice of
violation

(4) If, after an inspection, an officer is satisfied that in some respect an owner has failed to comply with a by-law passed under subsection (2), the officer may serve, or cause to be served on, or sent by certified mail to, the owner a notice containing particulars of the non-compliance.

Order to
comply

(5) After affording an owner served with a notice provided for in subsection (4) an opportunity to appear before the officer and to make representations in connection therewith, the officer may make and serve or cause to be served upon or sent by certified mail to the owner, an order requiring that the owner comply with the by-law passed under subsection (2) and containing,

- (a) the municipal address or legal description of the property abutting the highway right of way;
- (b) a direction stating what must be done to comply with the by-law passed under subsection (2) and the period within which there must be compliance; and
- (c) the final date for giving notice of appeal from the order which date shall be not less than fourteen days after the service of the order.

Service

(6) A notice or order under subsection (4) or (5) when sent by certified mail shall be sent to the last known address of the person to whom it is sent and it shall be deemed to have been served on the day it is delivered to that address.

Idem

(7) If the officer is unable to effect service under subsection (4) or (5), the officer shall place a placard containing the terms of the notice or order in a conspicuous place on the owner's lands, and the placing of the placard shall be deemed to be sufficient service of the notice or order upon the owner.

(8) Where an owner upon whom an order under subsection (5) has been served is not satisfied with the terms or conditions of the order, the owner may appeal to the property standards committee by sending notice of appeal by personal delivery or by certified mail to the secretary of the committee within the period provided in the order, and, in the event that no appeal is taken, the order shall be deemed to have been confirmed.

(9) Where an appeal has been taken, the property standards committee shall hear the appeal and shall have all the powers and functions of an officer and may confirm the order or may modify or quash it or may extend the time for complying with the order provided that, in the opinion of the property standards committee, the general intent and purpose of the by-law are maintained.

(10) Upon an order being deemed to be confirmed under subsection (8) or being confirmed under subsection (9), the owner shall forthwith comply with the order and where an order is modified or time is extended under subsection (9), the owner shall comply with the order, as modified, forthwith where time is not extended or within the time as extended.

(11) Nothing in this section,

- (a) affects the powers of the Corporation under Part XIX of the *Municipal Act* to enforce a by-law passed under this section, but where the Corporation removes debris or cuts grass on a highway right of way before the owner is required under subsection (10) to comply with an order, the Corporation shall not be entitled to recover the expense from the owner; or
- (b) affects any right or duty of the Corporation with respect to any highway right of way.

2.—(1) The council of the Corporation may pass by-laws for requiring and regulating the posting of signs in school buses and in those parts of buildings and structures to which the public has access advising the public that smoking is prohibited in all or part of such buildings, structures or school buses.

(2) The power to require and regulate the posting of signs under subsection (1) includes the power to inspect at any reasonable time school buses and those parts of buildings and structures to which a by-law passed under said subsection (1) applies.

Idem

Appeal

Decision on
appeal

Time for
compliance

R.S.O. 1980,
c. 302

Signs re
smoking

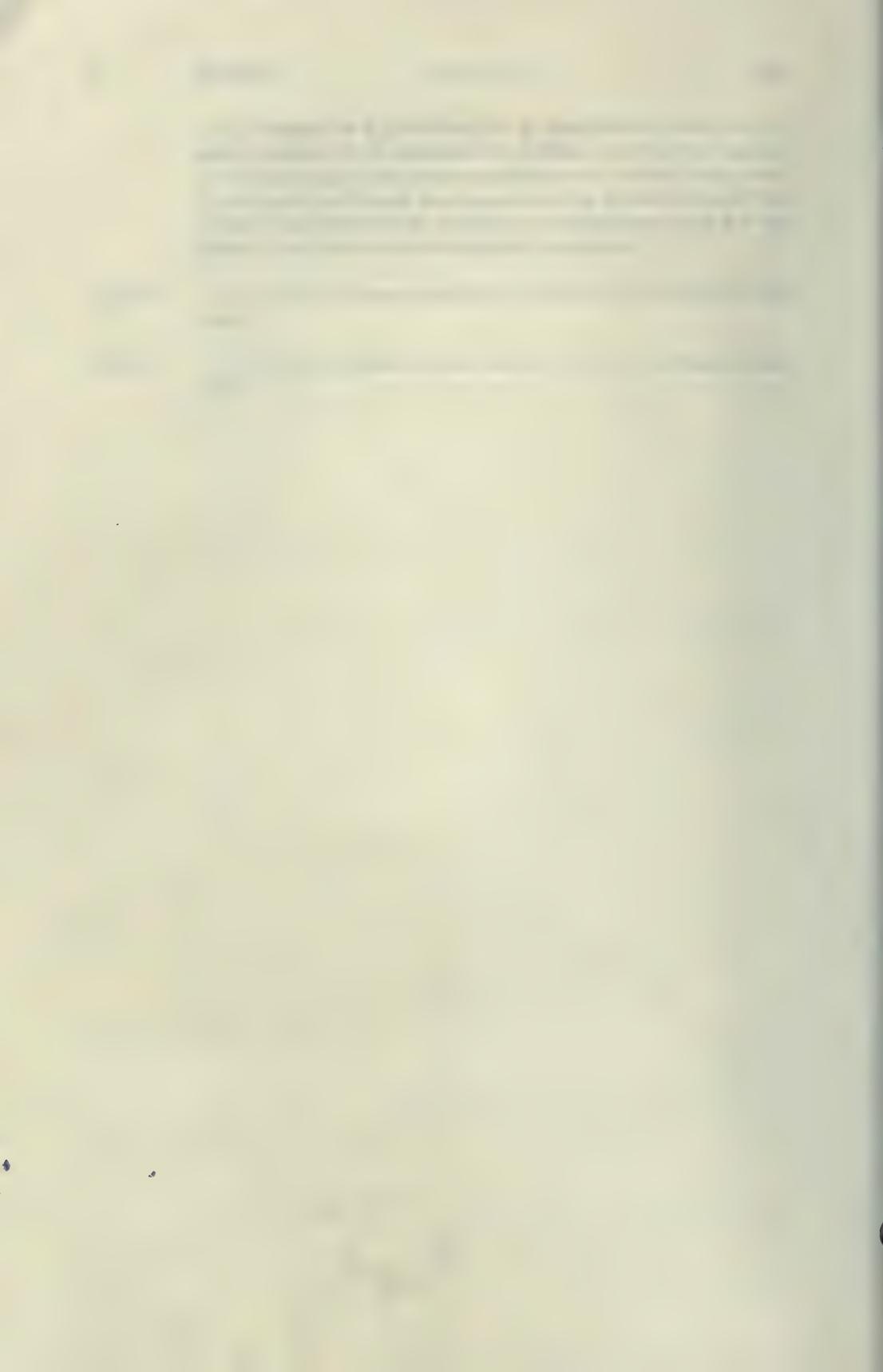
3. Subsection 2 (2) of the *City of Windsor Act, 1982* (No. 2), being chapter 94, is amended by striking out "for the spouses and dependants of deceased employees and retired employees" in the ninth and tenth lines and inserting in lieu thereof "for retired employees, their spouses and dependants and for the spouses and dependants of deceased employees".

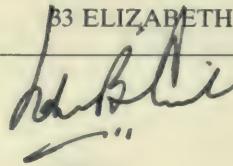
Commencement

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *City of Windsor Act, 1984*.





Bill Pr25

*(Chapter Pr18
Statutes of Ontario, 1984)*

An Act respecting the Oshawa Young Women's Christian Association

Mr. Cureatz

<i>1st Reading</i>	October 11th, 1984
<i>2nd Reading</i>	November 23rd, 1984
<i>3rd Reading</i>	November 23rd, 1984
<i>Royal Assent</i>	November 27th, 1984



RODENICH LEWIS
CLERK
LEGISLATIVE ASSEMBLY

Bill Pr25

1984

**An Act respecting the
Oshawa Young Women's Christian Association**

Whereas the Oshawa Young Women's Christian Association, herein called the Association, hereby represents that it was incorporated by letters patent dated the 12th day of March, 1947; that the object of the Association is to assist the welfare needs of the community and to provide recreational and educational facilities for adults and youths of the community; that the Association is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that the Association has acquired certain lands that are subject to assessment and taxation by The Corporation of the City of Oshawa; that it is desirable that provision be made for exempting the real property of the Association situate in the City of Oshawa, more particularly described in the Schedule hereto, from taxation for municipal and school purposes, other than local improvement rates; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

R.S.C. 1952.
c. 148

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of The Corporation of the City of Oshawa may pass by-laws exempting from taxes for municipal and school purposes, other than local improvement rates, the land, as defined in the *Assessment Act*, occupied by the Association, being the lands and premises described in the Schedule, so long as the land is owned, occupied and used solely for the purposes of the Association.

Tax
exemptionR.S.O. 1980.
c. 31

(2) An exemption granted under subsection (1) may be subject to such conditions as may be set out in the by-law.

Conditions

2. For the purposes of subsection 97 (9) of the *Regional Municipality of Durham Act*, the exemption from taxation granted under section 1 shall be deemed to be an exemption provided under section 3 of the *Assessment Act*.

Deemed
exemption
R.S.O. 1980.
c. 434

Retroactive
by-law

3. A by-law passed under section 1 may be retroactive to the 1st day of January, 1985.

Commencement

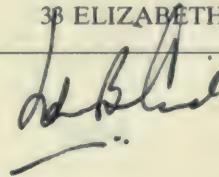
4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *Oshawa Young Women's Christian Association Act, 1984*.

SCHEDULE

That parcel of land and premises situate in the City of Oshawa, in The Regional Municipality of Durham (formerly the County of Ontario), and being composed of Park Lot No. 1 on the west side of Simcoe Street and south side of McGrigor Street, and Park Lot No. 2 on the west side of Simcoe Street, all as laid out on part of Lot No. 11 in the First Concession of the said City, by John Shier, P.L.S., for John McGrigor, Plan N, now Plan No. H-50015.



Bill Pr26

*(Chapter Pr19
Statutes of Ontario, 1984)*

An Act respecting the Chartered Industrial Designers

Mr. Cousens

<i>1st Reading</i>	October 12th, 1984
<i>2nd Reading</i>	November 23rd, 1984
<i>3rd Reading</i>	November 23rd, 1984
<i>Royal Assent</i>	November 27th, 1984



CLERK
LEGISLATIVE ASSEMBLY

Bill Pr26**1984****An Act respecting the Chartered Industrial Designers**

Whereas the members of the Association of Canadian Industrial Designers-Ontario, an unincorporated body, are desirous of being incorporated for the purpose of carrying out the objects of the proposed corporation and of the government and discipline of its members; and whereas it is considered desirable to grant the members of the Association the right to use the designation "Chartered Industrial Designer"; and whereas the applicant hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpretation

- (a) "Association" means the Association of Chartered Industrial Designers of Ontario;
- (b) "Board" means the Board of Governors of the Association;
- (c) "by-law" means a by-law of the Association;
- (d) "member" means member of the Association;
- (e) "registered" means registered as a member under this Act and "registration" has a corresponding meaning;
- (f) "registrar" means the registrar of the Association;
- (g) "regular member" means any member except members of a class membership as specified in the by-laws;
- (h) "student" means a student of the Association.

Association
incorporated

2.—(1) The persons named in the Schedule and their successors as members of the Board are constituted a body corporate and politic without share capital under the name of "Association of Chartered Industrial Designers of Ontario".

Head office

(2) The head office of the corporation shall be in The Municipality of Metropolitan Toronto or at such other place in the Province of Ontario that may be so designated from time to time by the Board.

Objects

3. The objects of the Association are,

- (a) to furnish means and facilities by which members and students may increase their knowledge, skill and efficiency in all things related to the business or profession of industrial design;
- (b) to hold examinations and prescribe tests of competency deemed appropriate to qualify for admission to membership in the Association and the various classes thereof;
- (c) to maintain discipline among members and students; and
- (d) to supervise the practice of members and students in order that the public interest may be served and protected.

Powers

4. For the purposes of carrying out its objects, the Association has the capacity and the powers of a natural person.

Board of
governors

5.—(1) The affairs of the Association shall be managed by the Board.

Composition

(2) The Board shall consist of not fewer than five or more than twenty-one members of the Association, as the Board may from time to time determine, elected from the membership of the Association.

Idem

(3) The Association may by by-law provide for the appointment of the Board of up to three persons who are not members.

Past
president
ex officio
member

(4) The immediate past president of the Association from time to time shall be an *ex officio* member of the Board if and while that president is a member.

Honorary
members

(5) Every person who is a past president of the Association or of the Association of Canadian Industrial Designers-

Ontario is an honorary member of the Board but as such only has the rights and privileges prescribed by the by-laws.

(6) The manner of electing the members of the Board, the notification to the electors of the time and place of holding elections, the nomination of candidates, the presiding officers at elections, the taking and counting of votes, the giving of a casting vote in the case of an equality of votes, the tenure of office of members of the Board and other necessary details shall be as set out in the by-laws.

(7) At any meeting of the Board, a majority of the elected members of the Board constitutes a quorum. Quorum

(8) The Board shall elect from its number a president and any other officer required by the by-laws and shall appoint a secretary-treasurer or a secretary and a treasurer, who need not be a member of the Board. Chairman, etc.

(9) In the case of the death, resignation or incapacity of any member of the Board, other than a past president serving under subsection 5 (4) or (5), the office shall be declared vacant by the Board and the Board shall fill the vacancy in the manner provided by the by-laws for the balance of the term. Vacancies

(10) For the purpose of subsection (9), absence from three consecutive meetings of the Board may be treated by the Board as incapacity. Interpretation

(11) The Board shall appoint a registrar, who need not be a member of the Board, and the registrar shall perform the functions assigned to the registrar by this Act and such other duties as may be assigned to the registrar by the Board. Registrar

6. At any general or special meeting, members may be represented by proxy, but, Proxies

- (a) no proxy shall be exercised by a person who is not a member; and
- (b) the proxy shall be exercised in accordance with the by-laws on voting and proxies.

7.—(1) The Board may pass by-laws regarding such matters as are necessary to conduct the business and carry out the objects of the Association and, without restricting the generality of the foregoing, in addition to the matters specifically provided in this Act, the Board may pass by-laws, By-laws

- (a) prescribing the qualifications for and conditions of registration for students;
- (b) prescribing a curriculum and courses of study to be pursued by students and the subjects upon which students and candidates for admission as members shall be examined and for granting certificates to students and candidates who have successfully passed the examinations;
- (c) establishing and prescribing such classes of membership, the qualifications for admission thereto, and the privileges and limitations thereof as are necessary and in the public interest;
- (d) regulating and governing the conduct of members in the practice of their business or profession by prescribing a code of ethics, rules of professional conduct, standards of practice and the form, use, issuance and ownership of seals;
- (e) providing for the receipt and consideration of complaints made to the Association concerning the conduct of its members in the practice of their business or profession, including the establishment of a Complaints Committee;
- (f) providing for and governing the discipline, suspension, expulsion or other penalty for professional misconduct, incapacity, incompetence, or failure or refusal to pay any required fee, compensation fund levy or insurance premium, including the establishment of a Discipline Committee and procedures therefor;
- (g) prescribing fees payable to the Association;
- (h) fixing and regulating the time, place, calling and conduct of annual and special general meetings of the Association and meetings of the Board;
- (i) establishing and providing for the administration of a benevolent fund for the benefit of any member or the families of deceased members who may require financial assistance and, for that purpose, providing for the receipt of contributions or donations and for contributions from the funds of the Association;
- (j) authorizing the making of grants for any purpose that may tend to advance design knowledge and

education, improve standards of practice in industrial design and support and encourage public information and interest in the past and present role of industrial design in society;

- (k) governing the acquisition, management, disposal and conduct of the property and affairs of the Association;
- (l) designating offices of the corporation in addition to those required under subsection 5 (8);
- (m) providing for the appointment, removal, functions, duties and remuneration of agents, officers and employees of the Association;
- (n) establishing such standing committees as the Board considers necessary to carry out the business of the Association;
- (o) providing procedures for the reception, review and resolution of complaints brought against any member of the Association;
- (p) establishing and maintaining a professional liability claims fund for the purpose of paying therefrom, subject to the provisions of the by-law and any rules made thereunder, professional liability claims against members; and
- (q) entering into any group contract of insurance with an insurer for the payment by the insurer of any professional liability claim, in whole or in part and with or without the expense of adjusting, settling and paying the claim, including legal fees and disbursements, where that claim or expense, if not paid under contract of insurance, would be payable out of the claims fund.

(2) Every by-law passed by the Board is effective when it is passed by the Council but expires with the close of the next general meeting of the members unless it is confirmed by the meeting.

Confirmation
of by-laws

(3) The by-laws of the Association shall be open to examination by the public at the head office of the Association during normal office hours.

Inspection
of by-laws

Membership

- 8.**—(1) The Association will grant a membership of any class in the Association to any person who applies therefor in accordance with the by-laws, if the person,
- (a) is of good character;
 - (b) is not less than eighteen years of age;
 - (c) has complied with the academic and experience requirements specified in the by-laws for the issuance of membership in the class applied for;
 - (d) has passed the examinations the Board has set or approved in accordance with the by-laws; and
 - (e) has paid all required fees, compensation fund levies and insurance premiums.

Register

(2) The registrar shall keep a register for each class of membership in which shall be entered the names of all members in good standing of that class and only those persons so registered are members entitled to the privileges of membership in that class.

Inspection
of register

(3) The registers shall be open to examination by the public at the head office of the Association during normal office hours.

Appeals

(4) Any person qualified for any class of membership in the Association who has been refused membership or who has been subject to a disciplinary sanction under the by-laws may appeal to the Divisional Court, in accordance with the rules of the Court, from the refusal to grant the membership or from the sanction.

Record

(5) Where a person appeals to the Divisional Court, the registrar shall forthwith file in the Divisional Court a record of the proceeding that resulted in failure or a refusal to grant the membership or the decision imposing a sanction which, together with any transcript of evidence, shall constitute the record in the appeal.

Powers
of Court

(6) An appeal under this section may be made on questions of law or fact, or both, and the Divisional Court may rescind any decision, may exercise all powers of any committee and may direct the Association to take any action that the Association is empowered to take as the Court considers proper and, for such purposes, the Court may substitute its opinion for that of any committee or of the Association or the Court may

refer the matter back for rehearing in whole or in part, in accordance with such directions as the Court considers proper.

9.—(1) Every regular member of the Association may, Designation

- (a) use the designation "Chartered Industrial Designer";
- (b) use after the member's name the initials "A.C.I.D.O." indicating that the member is a Chartered Industrial Designer in Ontario; and
- (c) use a seal in a form provided in the by-laws.

(2) Any person in Ontario who, not being a registered regular member of the Association, takes or uses the designation "Chartered Industrial Designer" or "A.C.I.D.O." alone or in combination with any other word, name, title, initial or description, or implies, suggests or holds out that that person is a "Chartered Industrial Designer" is guilty of an offence. Offence

(3) No action shall be brought in any court in Ontario or Unregistered any fees, compensation or other remuneration collected for services performed as a Chartered Industrial Designer unless the person bringing the action or collecting the fee, compensation or other remuneration was a Chartered Industrial Designer at the time the service was performed.

(4) In every case where registration is an issue, the production of a copy of the register, certified under the hand of the registrar, is sufficient evidence of all persons who are registered in lieu of the production of the original register and any certificate upon such copy of the register purporting to be signed by a person in the capacity as registrar is proof, in the absence of evidence to the contrary, that the person is the registrar without proof of the person's signature or of that person being the registrar. Evidence

(5) The absence of the name of any person from a copy of a register produced under subsection (4) is proof, in the absence of evidence to the contrary, that the person is not registered. Idem

10.—(1) The Board shall cause the removal of the name of a member from a register, Removal from register

- (a) at the request or with the written consent of the member whose name is to be removed;
- (b) where the name has been incorrectly entered;

(c) where notification is received of a member's death;
or

(d) where the registration of a member has been revoked or suspended.

Restoration
to register

(2) Subject to subsection (3), the Board, on such grounds as it considers sufficient, may cause the name of a person removed from a register to be restored thereto either without fee or upon payment to the Association of,

(a) a sum not exceeding the fees or other sums in arrears and owing by the person to the Association; and

(b) such additional sum as may be prescribed by the by-laws.

Idem

(3) Where the name of a person who has been suspended or whose registration has been revoked is to be restored to the register, the Board may, by resolution, direct that the name be restored subject to such terms and conditions as the Board may specify.

Certificate
of
membership

11. The Board shall cause a certificate of membership to be issued to every person whose name is entered in a register of members and the certificate shall state the type and class of membership and all conditions or limitations imposed on the person to whom the certificate is issued.

Right to
practise
unaffected

12. This Act does not affect the right of any person who is not a member to offer or provide services similar to those offered or provided by a Chartered Industrial Designer in the Province of Ontario.

Surplus

13. All surplus derived from carrying on the affairs and business of the Association shall be devoted and applied solely in promoting and carrying out its objects and purposes and shall not be divided among its members.

Liability

14. The Association or the Board or any member of the Association, the Board or any standing committee is not liable for any loss or damage suffered by any person as a result of anything done by it or them in good faith in the administration of this Act or by-laws made thereunder.

Commencement

15. This Act comes into force on the day it receives Royal Assent.

16. The short title of this Act is the *Chartered Industrial Designers Act, 1984.* Short title

SCHEDULE

Gerry Beekenkamp—President

Paul Arato

Bert de Bobrovniczky

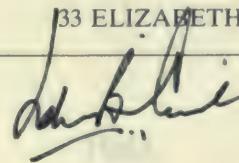
David Sambrook

Sid Bersudsky

Tim Stanley

Paul Almos

Jonathon Crinion



Bill Pr27

*(Chapter Pr20
Statutes of Ontario, 1984)*

An Act respecting the City of Nepean

Mr. Mitchell

<i>1st Reading</i>	June 13th, 1984
<i>2nd Reading</i>	November 23rd, 1984
<i>3rd Reading</i>	November 23rd, 1984
<i>Royal Assent</i>	November 27th, 1984



RODENICH LEE
CLERK
LEGISLATIVE ASSEM



Bill Pr27

1984

An Act respecting the City of Nepean

Whereas The Corporation of the City of Nepean, herein called the Corporation, hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The authority and power of boards of commissioners of police under the *Municipal Act* to pass by-laws to license trades, callings, businesses, persons and things is vested in the council of the Corporation, including the authority and power of boards of commissioners of police to regulate and govern such trades, callings, businesses, persons and things.

Licensing
R.S.O. 1980,
c. 302

(2) All by-laws passed before the day this Act comes into force by the Board of Commissioners of Police of the City of Nepean for the purposes set out in subsection (1) shall remain in full force and effect until amended or repealed by the council of the Corporation.

Transition

2.—(1) Notwithstanding any general or special Act, where the council of the Corporation is authorized to pass by-laws for licensing any trade, calling or business or the person or persons carrying on or engaged in it, the council of the Corporation, after affording the licensee an opportunity to be heard, may suspend or revoke any such licence.

Power to
suspend or
revoke
licences

(2) Where the council of the Corporation is authorized under subsection (1) to suspend or revoke a licence, the council of the Corporation may by by-law authorize the chief licence inspector of the Corporation, without holding a hearing,

Temporary
suspension

- (a) to suspend any such licence for such time and subject to such conditions as the by-law may provide where the licensee has been convicted of a criminal

offence so long as the suspension is made within thirty days of the conviction and such suspension may be made notwithstanding that an appeal has been taken from the conviction;

- R.S.O. 1980,
c. 198
- (b) to suspend any such licence for such time and subject to such conditions as the by-law may provide where the chief licence inspector knows or has reason to believe that a safety standards certificate, under the *Highway Traffic Act*, was denied with respect to a motor vehicle used in the licensed trade business or calling if, without the appropriate repairs having been made, the motor vehicle is being used on any public highway;
 - (c) to order a licensee to stop using any motor vehicle used in the licensed trade, calling or business until such time as the licensee provides the chief licence inspector with a safety standards certificate issued under the *Highway Traffic Act* with respect to the motor vehicle and the by-law may authorize the chief licence inspector to suspend, subject to such conditions as the by-law may provide, the licensee's licence if the licensee fails, within twenty-four hours of the making of the order, to comply with the order or provide proof satisfactory to the chief licence inspector that the motor vehicle is not being used on any public highway.

Idem

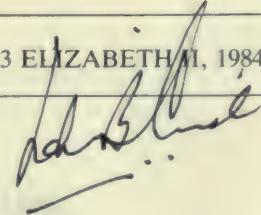
- (3) No suspension of a licence by the chief licence inspector of the Corporation is effective after the expiration of two weeks from the date of suspension or after the next meeting of the council of the Corporation after the suspension, whichever occurs first.

Commencement

- 3.** This Act comes into force on the day it receives Royal Assent.

Short title

- 4.** The short title of this Act is the *City of Nepean Act, 1984*.



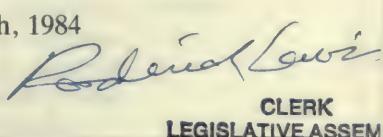
Bill Pr30

*(Chapter Pr21
Statutes of Ontario, 1984)*

An Act respecting the City of Belleville

Mr. O'Neil

<i>1st Reading</i>	October 15th, 1984
<i>2nd Reading</i>	November 23rd, 1984
<i>3rd Reading</i>	November 23rd, 1984
<i>Royal Assent</i>	November 27th, 1984



Rodger Lewis
CLERK
LEGISLATIVE ASSEM



Bill Pr30

1984

An Act respecting the City of Belleville

Whereas The Corporation of the City of Belleville, herein called the Corporation, hereby represents that by by-law Number 2449 of the Corporation, enacted pursuant to *The Public Parks Act*, being chapter 203 of the Revised Statutes of Ontario, 1914, now chapter 417 of the Revised Statutes of Ontario, 1980, and finally passed with the assent of the electors on the 5th day of February, 1923, the Board of Park Management of the City of Belleville, herein called the Board, was established; that the council of the Corporation considers it to be in the best interest of the citizens of the City of Belleville that the functions of the Board be placed under the control of the council of the Corporation as a department of the Corporation and that all assets and liabilities of the Board become assets and liabilities of the Corporation; and whereas the Corporation hereby applies for special legislation for such purpose; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 1.** The Board of Park Management of the City of Belleville is hereby dissolved and all of the powers, rights, duties and privileges conferred and imposed upon the Board and all of its undertakings, assets and liabilities are hereby assumed by The Corporation of the City of Belleville without compensation. Board dissolved, functions, etc., transferred to Corporation

- 2.** All by-laws of the Board shall continue as by-laws of the Corporation until amended or repealed. By-laws continued

- 3.** The employees of the Board hereby become employees of the Corporation and all terms and conditions of employment respecting such employees, including, without limiting the generality of the foregoing, seniority, remuneration and other benefits in force, shall be assumed by the Corporation. Employees

Council
deemed
board of
park
management
R.S.O. 1980,
c. 417

By-law
repealed

Commencement

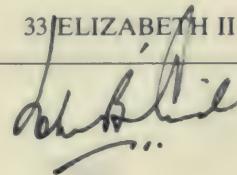
Short title

4. The council of the Corporation shall be deemed to be a board of park management for the purposes of the *Public Parks Act*.

5. By-law Number 2449 of the Corporation is hereby repealed.

6. This Act comes into force on the day it receives Royal Assent.

7. The short title of this Act is the *City of Belleville Act, 1984*.



Bill Pr31

*(Chapter Pr22
Statutes of Ontario, 1984)*

An Act respecting the United Jewish Welfare Fund

Mr. Cousins

<i>1st Reading</i>	October 26th, 1984
<i>2nd Reading</i>	November 23rd, 1984
<i>3rd Reading</i>	November 23rd, 1984
<i>Royal Assent</i>	November 27th, 1984



CLERK
LEGISLATIVE ASSEMBLY

July 19, 1942 - 1942 - 1942 - 1942 -

Bill Pr31**1984****An Act respecting the United Jewish Welfare Fund**

Whereas the United Jewish Welfare Fund, herein called the "Welfare Fund", hereby represents that it was incorporated by letters patent dated the 4th day of June, 1938; that the Welfare Fund is a registered charitable organization within the meaning of the *Income Tax Act* (Canada); that the Welfare Fund has a freehold interest in land located in the City of North York and known municipally as 4600 Bathurst Street; that the land is used as the headquarters of the Welfare Fund and as the headquarters for related organizations carrying on educational, informational and social programs and fund-raising for the Jewish community; and whereas the Welfare Fund hereby applies for special legislation to exempt the aforesaid real property, occupied and used by it and related organizations in the City of North York, from taxation for municipal and school purposes, except for local improvement rates; and whereas it is expedient to grant the application;

Preamble

R.S.C. 1952,
c. 148

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The council of The Corporation of the City of North York may pass by-laws exempting from taxes for municipal and school purposes, other than local improvement rates, the land, as defined in the *Assessment Act*, occupied by the Welfare Fund and related organizations, being the lands and premises described in the Schedule, so long as the land is owned, occupied and used solely for the purposes of the Welfare Fund and its related organizations.

Tax
exemptionR.S.O. 1980,
c. 31

(2) An exemption granted under subsection (1) may be subject to such conditions as may be set out in the by-law.

Conditions

2. For the purposes of subsection 219 (8) of the *Municipality of Metropolitan Toronto Act*, the exemption from taxation granted under section 1 shall be deemed to be an exemption provided under section 3 of the *Assessment Act*.

Deemed
exemptionR.S.O. 1980,
c. 314

Retroactivity

3. A by-law passed under section 1 may be retroactive to the 1st day of August, 1983.

Commencement

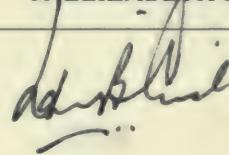
4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *United Jewish Welfare Fund Act, 1984*.

SCHEDULE

That parcel of land and premises situate in the City of North York, in The Municipality of Metropolitan Toronto, being composed of Part 1, shown as a Part of Block A on Registered Plan 1899, Instrument No. 280309.



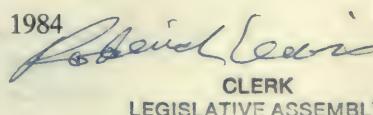
Bill Pr32

*(Chapter Pr23
Statutes of Ontario, 1984)*

An Act respecting the City of Ottawa

Mr. MacQuarrie

<i>1st Reading</i>	October 23rd, 1984
<i>2nd Reading</i>	November 23rd, 1984
<i>3rd Reading</i>	November 23rd, 1984
<i>Royal Assent</i>	November 27th, 1984



CLERK
LEGISLATIVE ASSEMBLY

Bill Pr32**1984****An Act respecting the City of Ottawa**

Whereas The Corporation of the City of Ottawa, herein called the Corporation, hereby represents that it is desirable that it be given the power to acquire real property outside the City of Ottawa for the purpose of erecting fire stations; that it is also desirable that its private legislation related to pedestrian promenades be re-enacted so as to consolidate the several provisions related thereto and to amend the said legislation so that the council of the Corporation will have the power to determine the qualifications of the members of pedestrian promenade authorities and to determine their terms of office; and whereas the Corporation hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1.—(1) The Corporation, with the consent of the council of the area municipality where the real property is located, may,

Acquisition
of land for
firehalls
outside city
limits

- (a) acquire by gift or purchase;
- (b) subject to the *Expropriations Act*, expropriate; or
- (c) lease,

R.S.O. 1980.
c. 148

any real property outside the City of Ottawa, but within the Regional Area of Ottawa-Carleton, that is desirable for the establishment and operation of one or more fire stations, on such terms and conditions as the council of the Corporation considers appropriate.

(2) The Corporation may sell or otherwise dispose of any real property acquired under clause (1) (a) or (b) when the council of the Corporation is of the opinion that the real property is no longer required for municipal purposes.

Disposition
of land

Interpretation R.S.O. 1980, c. 439 (3) For the purpose of this section, "area municipality" and "Regional Area" have the same meaning as in the *Regional Municipality of Ottawa-Carleton Act*.

Interpretation 2.—(1) In this section, "authority" means a pedestrian promenade authority established under subsection (7) or under a predecessor thereof.

Pedestrian promenades R.S.O. 1980, c. 302 (2) Notwithstanding the *Municipal Act*, on the petition of or with the consent of a majority of the owners representing at least one-half of the value of the lots to be assessed and subject to the approval of the Ontario Municipal Board, the council of the Corporation may pass by-laws for establishing all or any part of any highway under the jurisdiction of the Corporation or The Regional Municipality of Ottawa-Carleton solely or principally as a pedestrian promenade and for prohibiting the use thereof by vehicles or any class thereof, and for permitting the obstruction of the promenade in such manner and to such extent as the council of the Corporation may consider desirable.

Idem (3) A by-law passed under subsection (2) with respect to a highway under the jurisdiction of The Regional Municipality of Ottawa-Carleton shall not come into effect until it is approved by the Regional Council by by-law and the Regional Council may, as a condition of its approval, impose such terms and conditions as it considers appropriate.

Minister's approval (4) No by-law passed under subsection (2) and no by-law that amends or repeals any such by-law shall come into force without the approval of the Minister of Transportation and Communications.

No right to damages R.S.O. 1980, c. 31 (5) Notwithstanding any general or special Act, no person shall be entitled to recover any damages or compensation from the Corporation for loss of business or for loss of access to or from any highway or for any injurious affection to land, as defined in the *Assessment Act*, arising from the exercise by the Corporation of its powers under this section.

Apportionment of costs R.S.O. 1980, c. 250 (6) Subject to the approval of the Ontario Municipal Board, the cost of establishing, operating and maintaining a pedestrian promenade in the City of Ottawa shall be apportioned between the Corporation and owners of property abutting on a pedestrian promenade as the council of the Corporation may prescribe and the owners' portion of the cost shall be specially assessed upon the lots abutting directly on a pedestrian promenade, and in this respect the provisions of the *Local Improvement Act* apply with necessary modifications.

(7) The council of the Corporation may by by-law establish pedestrian promenade authorities and may entrust to an authority the construction, maintenance, control, operation and management of one or more pedestrian promenades within the City of Ottawa as set out in the by-law.

Pedestrian
promenade
authorities

(8) Each authority is a body corporate.

Body
corporate

(9) The council of the Corporation shall by by-law for each authority,

Membership

- (a) prescribe the numbers of members of the authority;
- (b) determine the conditions of eligibility for appointment as members of the authority; and
- (c) determine the term of office for the members, which term may be different for different members.

(10) Where a vacancy in an authority occurs from any cause, the council shall appoint immediately a person qualified, as set out in a by-law passed under subsection (9), to be a member and the person so appointed shall hold office for the remainder of the term for which the person's predecessor was appointed.

Vacancies

(11) A member of an authority is eligible for reappointment on the expiration of the member's term of office.

Reappoint-
ment

(12) The members of an authority may be paid such salary or other remuneration as may be fixed by a by-law of the council.

Remuner-
ation

(13) Upon the passing of the by-law establishing an authority, all the powers, rights, duties, obligations, authorities and privileges conferred on and duties imposed on the Corporation by any general or special Act with respect to the construction, maintenance, operation and management of the pedestrian promenade or promenades described in the by-law shall be exercised by the authority, but subject to such limitations as the by-law may provide.

Powers

3. The following are repealed:

1. Section 3 of *The City of Ottawa Act, 1960*, being chapter 161.
2. *The City of Ottawa Act, 1965*, being chapter 163.

3. Section 3 of *The City of Ottawa Act, 1980*, being chapter 119.

4. The *City of Ottawa Act, 1982*, being chapter 82.

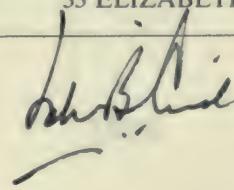
Commencement
ment

4. This Act comes into force on the day it receives Royal Assent.

Short title

5. The short title of this Act is the *City of Ottawa Act, 1984*.





Bill Pr33

*(Chapter Pr24
Statutes of Ontario, 1984)*

An Act respecting the Association of Registered Interior Designers of Ontario

Mr. MacQuarrie

<i>1st Reading</i>	November 8th, 1984
<i>2nd Reading</i>	November 23rd, 1984
<i>3rd Reading</i>	November 23rd, 1984
<i>Royal Assent</i>	November 27th, 1984



RODNEY LEWIS
CLERK
LEGISLATIVE ASSEMBLY

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Bill Pr33**1984**

**An Act respecting the Association of
Registered Interior Designers of Ontario**

Whereas the Interior Designers of Ontario hereby represents that it was incorporated under the name of Society of Interior Decorators of Ontario by letters patent dated the 20th day of November, 1933; that it was continued as a body corporate and politic under the name of The Society of Interior Designers of Ontario under *The Society of Interior Decorators of Ontario Act, 1956*, being chapter 120; and that by supplementary letters patent dated the 29th day of February, 1968 it changed the name of the Corporation to "Interior Designers of Ontario"; that the Association is desirous of being continued as a corporation for the purpose of carrying out the objects of the Association and of the government and discipline of its members; and whereas the Association considers it desirable to grant to members of the Association the right to use the designation "Registered Interior Designer"; and whereas the Association hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpretation

- (a) "Association" means The Association of Registered Interior Designers of Ontario;
- (b) "Annual Meeting" means a meeting of the Association open to the full membership held each year before the 31st day of March for the purpose of electing the Board of Management and considering any other business;
- (c) "Board" means the Board of Management of the Association;

- (d) "by-law" means a by-law of the Association;
- (e) "General Meeting" means a meeting of the Association open to the full membership called by the Board for the purpose of confirming a by-law or by-laws and considering any other business;
- (f) "IDO" means the Interior Designers of Ontario;
- (g) "registered" means registered as a member under this Act, and "registration" has a corresponding meaning;
- (h) "Registrar" means the Registrar of the Association;
- (i) "Special Meeting" means a meeting open to the full membership called in response to a request in writing of not less than 20 per cent of voting members of the Association;
- (j) "student" means a student member of the Association.

Association
continued

2.—(1) The Interior Designers of Ontario is hereby continued as a corporation without share capital under the name "The Association of Registered Interior Designers of Ontario" and the persons registered as members of IDO on the day this Act comes into force and such other persons as become members of the Association constitute the corporation.

First Board

(2) The first Board and officers of the Association shall be the existing nine elected directors of IDO and the six persons named in the Schedule and they shall hold office until their successors are appointed or elected in accordance with this Act and the by-laws.

Letters
patent
revoked

(3) The letters patent of IDO are revoked but the revocation of the letters patent does not affect the rights or obligations of IDO or any by-law, resolution or appointment of IDO except to the extent that the by-law, resolution or appointment is inconsistent with this Act.

Objects

3. The objects of the Association are,

- (a) to furnish means and facilities by which members of the Association and students may increase their knowledge, skill and efficiency in all things related to the business or profession of an interior designer;

- (b) to hold examinations and set tests of competency appropriate to qualify for admission to membership in the Association;
- (c) to maintain discipline among members of the Association and students;
- (d) to supervise the practice of members of the Association and students in order that the public interest may be served and protected; and
- (e) to seek and maintain membership in the Interior Designers of Canada and such other design organizations as the Association considers necessary or desirable.

4.—(1) The affairs of the Association shall be managed by Board of Management the Board of Management.

(2) The Board shall consist of not fewer than nine or more than fifteen active members of the Association as defined by the by-laws, as the Board may from time to time determine, elected from the membership of the Association. Composition

(3) The Association may by by-law provide for the appointment to the Board of up to three persons who are not members of the Association. Idem

(4) The manner of electing the members of the Board, the notification to the electors of the time and place of holding elections, the nomination of candidates, the presiding officers at elections, the taking and counting of votes, the giving of a casting vote in the case of an equality of votes, the tenure of office of members of the Board and other necessary details shall be as set out in the by-laws. Idem

(5) At any meeting of the Board, two thirds of the voting Quorum members of the Board constitutes a quorum.

(6) The Board shall elect from its number a president, a vice-president; and shall appoint a secretary and a treasurer, who need not be members of the Board. Officers

(7) In the case of the death, resignation or incapacity of any member of the Board, the office shall be declared vacant by the Board and the Board shall fill the vacancy in the manner provided by the by-laws for the balance of the term and, for the purposes of this subsection, absence from three consecutive meetings of the Board may be treated by the Board as incapacity. Vacancies

Registrar

(8) The Board shall appoint a Registrar, who need not be a member of the Board, and the Registrar shall perform the functions assigned to him by this Act and such other duties as may be assigned to him by the Board.

Proxies

5. At any Annual, General or Special Meeting, members of the Association may be represented and vote by proxy but,

- (a) no proxy shall be exercised by a person who is not a member of the Association; and
- (b) the proxy shall be exercised in accordance with the by-laws.

By-laws

6.—(1) The Board may propose by-laws regarding such matters as are necessary to conduct the business and carry out the objects of the Association and, without restricting the generality of the foregoing, the Board may propose by-laws to,

- (a) prescribe the qualifications for membership in and registration by the Association;
- (b) prescribe a curriculum and courses of study to be pursued by students and the subjects upon which students and candidates for admission as members of the Association shall be examined, and for granting certificates to students and candidates who have successfully passed the examinations;
- (c) provide for the continuing education and professional development of its members;
- (d) establish and prescribe such categories of membership as are necessary for the purposes of the Association and in the public interest;
- (e) regulate and govern the conduct of members of the Association in the practice of their business or profession, by prescribing a code of ethics, rules of professional conduct and standards of practice;
- (f) provide for the receipt and consideration of complaints made to the Association concerning the conduct of its members in the practice of their business or profession, including the establishment of a Complaints Committee and procedures therefor;
- (g) prescribe fees payable to the Association;

- (h) fix and regulate the time, place, calling and conduct of Annual, General and Special Meetings of the Association and meetings of the Board;
- (i) establish and provide for the administration of a benevolent fund for the benefit of any member of the Association or the families of deceased members of the Association who may require financial assistance and, for that purpose, providing for the receipt of contributions or donations and for contributions from the funds of the Association;
- (j) authorize the making of grants for any purpose that may tend to advance interior design knowledge and education, improve standards of practice in interior design or support and encourage public information and interest in the past and present role of interior design in society;
- (k) govern the acquisition, management, disposal and conduct of the property and affairs of the Association;
- (l) provide for the appointment, removal, functions, duties and remuneration of agents, officers and employees of the Association;
- (m) establish such standing committees as the Board may consider necessary to carry out the business of the Association;
- (n) establish and maintain a professional liability claims fund for the purpose of paying therefrom, subject to the by-laws and any rules made thereunder, professional liability claims against members;
- (o) provide for and establish requirements for categories of membership or types of projects for which members must secure professional liability insurance, including minimum limits of insured professional liability;
- (p) enter into any group contract of insurance with an insurer for the payment by the insurer of professional liability claims, in whole or in part and with or without the expense of adjusting, settling and paying the claim, including legal fees and disbursements, where that claim or expense, if not paid under contract of insurance, would be payable out of the claims fund; and

(q) provide for the appointment of an auditor for the Association.

Disciplinary proceedings

(2) The Board shall propose by-laws to,

(a) provide for and govern the discipline, supervision, expulsion or other penalty for professional misconduct, incapacity or other incompetence, including,

(i) establishment of a Discipline Committee and its procedures, and

(ii) establishment of an Appeals Committee of the Board and its procedures; and

(b) provide for admission as members of the Association experienced persons who practice in the field of interior design and can demonstrate proficiency in the practice of designing interior space, and such by-laws may,

(i) establish such additional requirements for admission as are necessary for the purposes of the Association and in the public interest,

(ii) establish a committee and its procedures for reviewing applications for admission, and

(iii) specify a cut-off date for applications for membership from experienced persons.

Member's proposal

(3) A member entitled to vote at an Annual, General or Special Meeting of the Association may make a proposal to make, amend or repeal a by-law.

Idem

(4) The Board must receive a member's proposal at the office of the Association at least thirty days before the Annual Meeting at which it will be considered.

Consideration of member's proposal

(5) Upon receiving a proposal from a member to enact, amend or repeal a by-law, the Board shall cause the proposal to be published in the agenda for the next Annual Meeting of the Association, which agenda shall be distributed to the membership in accordance with the by-laws, but when there is not sufficient time before the next Annual Meeting of the Association to distribute the proposal in accordance with the provisions of the by-laws, the proposal shall be contained in the agenda for the next following Annual, General or Special Meeting and shall be distributed to the membership in accordance with the by-laws of the Association.

(6) Twenty per cent of the members entitled to vote at an Annual, General or Special Meeting of the Association may request that the Board call and hold a Special Meeting to make, amend or repeal a by-law and consider any other business.

Special
Meeting

(7) A request under subsection (6) must be in writing and set out the objects and reasons for the requested Special Meeting.

Written
request

(8) Upon receipt of a request for a Special Meeting by not less than 20 per cent of the members, the Board shall call and convene the meeting in accordance with the by-laws.

Procedure

(9) No by-law or change to an existing by-law is effective until it is ratified by the voting members of the Association at an Annual, General or Special Meeting.

Ratification
of by-laws

(10) The by-laws shall be open to examination by the public at the head office of the Association during normal office hours.

Inspection
of by-law

7.—(1) The Association will grant a membership in the Association to every person who applies therefor in accordance with the by-laws, if the person,

Membership

- (a) is not less than eighteen years of age;
- (b) has complied with the academic and experience requirements specified in the by-laws for the issuance of membership;
- (c) has passed such examinations as the Board may set or approve in accordance with the by-laws; and
- (d) the past conduct of the person affords reasonable belief that such person will carry on the practice of interior design in accordance with law and with integrity and honesty.

(2) The by-laws shall provide that,

Hearing

- (a) an application for membership may be refused; or
- (b) a disciplinary sanction may be imposed,

only after a hearing.

(3) The Registrar shall keep a register in which shall be entered the names of all members of the Association in good

Register

standing and only those persons so registered are members entitled to the privileges of membership in the Association.

Inspection
of register

(4) The register shall be open to examination by the public at the head office of the Association during normal office hours.

Appeals

(5) A person who has been refused membership or who has been subject to a disciplinary sanction under the by-laws may appeal to the Divisional Court, in accordance with the rules of court, from the refusal to grant membership or from the sanction.

Certified
copy of
record

(6) Upon the request of a party desiring to appeal to the Divisional Court and upon payment of the fee therefor, the Registrar shall furnish the party with a certified copy of the record of the proceedings, including the documents received in evidence and the decision or order appealed from.

Powers
of court
on appeal

(7) An appeal under this section may be made on questions of law or fact or both and the court may affirm or may rescind the decision of the committee appealed from and may exercise all powers of the committee and may direct the committee to take any action which the committee may take and as the court considers proper, and for such purposes the court may substitute its opinion for that of the committee or the court may refer the matter back to the committee for rehearing, in whole or in part, in accordance with such directions as the court considers proper.

Designation

8.—(1) Every active member of the Association as defined in the by-laws may use the designation "Registered Interior Designer" and may use after the member's name the initials "A.R.I.D.O." indicating that the member is a Registered Interior Designer in Ontario.

Offence

(2) Any person in Ontario who, not being a registered member of the Association, takes or uses the designation "Registered Interior Designer" or "A.R.I.D.O." along or in combination with any other word, name, title, initial or description, or implies, suggests or holds out that that person is a Registered Interior Designer is guilty of an offence.

Unregistered
Interior
Designer

(3) No person who is not a Registered Interior Designer may bring an action in Ontario in any court or collect fees, compensation or other remuneration, for services performed as a Registered Interior Designer.

Evidence

(4) In every case where registration is an issue, the production of a copy of the register, certified under the hand of

the Registrar, is sufficient evidence of all persons who are registered in lieu of the production of the original register, and any certificate upon such copy of the register purporting to be signed by a person in that person's capacity as Registrar is proof, in the absence of evidence to the contrary, that such a person is the Registrar without any proof of that person's signature or that the person is the Registrar.

(5) The absence of the name of any person from a copy of the register produced under subsection (4) is proof, in the absence of evidence to the contrary, that the person is not registered. Idem

9.—(1) The Board shall cause the removal of the name of a member from the register, Removal from register

- (a) at the request or with the written consent of the member whose name is to be removed;
- (b) where the name has been incorrectly entered;
- (c) where notification is received of a member's death; or
- (d) where the registration of a member has been suspended or revoked through disciplinary proceedings.

(2) Subject to subsection (3), the Board, on such grounds as it considers sufficient, may cause the name of a person removed from the register to be restored thereto either without fee or upon payment to the Association of, Restoration to register

- (a) a sum not exceeding the fees or other sums in arrears and owing by the person to the Association; and
- (b) such additional sum as may be prescribed by the by-laws.

(3) Where the name of a person who has been suspended or whose registration has been suspended or revoked under clause (1) (d) is to be restored to the register under subsection (2), the Board may, by resolution, direct that the name be restored subject to such terms and conditions as the Board may impose. Idem

10. The Board shall cause a certificate of membership to be issued each year to every person whose name is entered in the register which certificate shall state the date upon which it Certificate of membership

expires, the type of membership and every condition and limitation imposed on the person to whom the certificate is issued.

Right to practise unaffected

11. This Act does not affect or interfere with the right of any person who is not a member of the Association to practise as an interior designer in the Province of Ontario.

Surplus

12. Every surplus derived from carrying on the affairs and business of the Association shall be devoted and applied solely in promoting and carrying out its objects and purposes and no surplus shall be divided among its members.

Liability

13. No action or other proceeding for damages shall be instituted against the Association, the Board, a committee of the Association or a member of the Association, the Board or committee of the Association, or an officer, employee, agent or appointee of the Association for any act done in good faith in the performance or intended performance of a duty or in the exercise or the intended exercise of a power under this Act, a regulation or a by-law, or for any neglect or default in the performance or exercise in good faith of such duty or power.

Repeal

14. *The Society of Interior Designers of Ontario Act, 1956*, being chapter 120, is repealed.

Commencement

15. This Act comes into force on the day it receives Royal Assent.

Short title

16. The short title of this Act is the *Association of Registered Interior Designers of Ontario Act, 1984*.

SCHEDULE

Alan Fairbrass

Sonia Lemishka

Helen Moffett

Joan O'Brien

Joanne Dickinson

Del McMillan

Bill Pr35

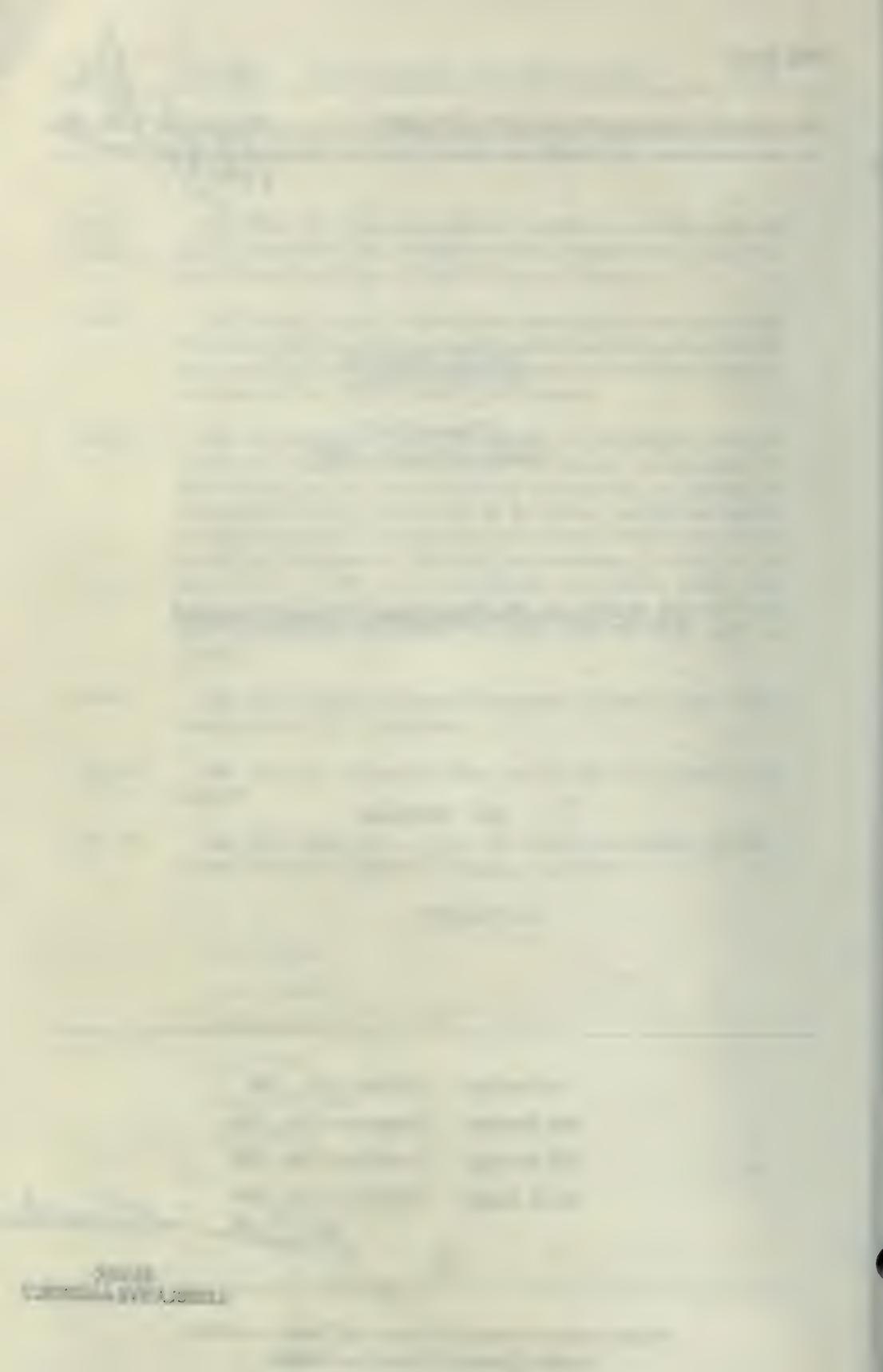
*(Chapter Pr28
Statutes of Ontario, 1984)*

An Act to revive Bargnesi Mines Limited

Mr. Williams

<i>1st Reading</i>	October 11th, 1984
<i>2nd Reading</i>	December 13th, 1984
<i>3rd Reading</i>	December 13th, 1984
<i>Royal Assent</i>	December 14th, 1984

**CLERK
LEGISLATIVE ASSEMBLY**



Bill Pr35

1984

An Act to revive Bargnesi Mines Limited

Whereas Elsa Anisio, *nee* Elsa Bargnesi, hereby represents that Bargnesi Mines Limited, herein called the Corporation, was incorporated by letters patent dated the 11th day of February, 1959; that the Minister of Consumer and Commercial Relations by order dated the 18th day of May, 1976 and made under the authority of subsection 251 (3) of *The Business Corporations Act*, being chapter 53 of the Revised Statutes of Ontario, 1970, cancelled the certificate of incorporation of the Corporation for failure to comply with section 134 of *The Securities Act*, being chapter 426 of the Revised Statutes of Ontario, 1970, and declared the Corporation to be dissolved on the 18th day of May, 1976; that Alfio Bargnesi and his mother, Seconda Bargnesi, were majority shareholders and directors of the Corporation and held the offices of president and secretary of the Corporation, respectively, and that both died intestate prior to the date of the Corporation's dissolution; that the said Seconda Bargnesi died after Alfio Bargnesi and she was survived by her daughters Elsa Anisio, the applicant herein, and Alfia Bargnesi; that at the time of its dissolution the Corporation owned certain lands that had been transferred to the Corporation by the said Alfio Bargnesi; that the applicant as an heir-at-law of the said Seconda Bargnesi and Alfio Bargnesi is of the opinion that the Corporation should be revived so that the Corporation may deal with the said lands; and whereas the applicant hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Bargnesi Mines Limited is hereby revived and is, subject to any rights acquired by any other person after its dissolution, hereby restored to its legal position as a company incorporated by letters patent, including all its property, rights, privileges and franchises, and subject to all its liabilities, contracts, disabilities and debts, as at the date of its dis-

Company
revived

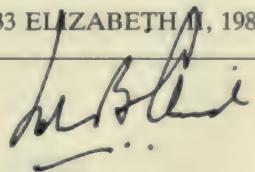
solution, in the same manner and to the same extent as if it had not been dissolved.

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *Bargnesi Mines Limited Act, 1984*.



Bill Pr37

*(Chapter Pr12
Statutes of Ontario, 1984)*

An Act respecting The Ontario Association of Landscape Architects

Mrs. Scrivener

<i>1st Reading</i>	April 26th, 1984
<i>2nd Reading</i>	May 25th, 1984
<i>3rd Reading</i>	May 25th, 1984
<i>Royal Assent</i>	May 29th, 1984



RODERICK LAMONT
CLERK
LEGISLATIVE ASSEMBLY

2000
National Research Council

Bill Pr37**1984**

**An Act respecting The Ontario Association of
Landscape Architects**

Whereas The Ontario Association of Landscape Architects Preamble hereby represents that it was incorporated under the laws of Ontario by letters patent dated the 20th day of December, 1968; that the Association is desirous of being continued as a corporation for the purpose of carrying out the objects of the Association and of the government and discipline of its members; that the Association considers it desirable to grant to full members of the Association the exclusive right to use the designation "Landscape Architect"; and whereas the Association hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpretation

- (a) "Association" means The Ontario Association of Landscape Architects;
- (b) "by-law" means a by-law of the Association;
- (c) "Council" means the Council of the Association;
- (d) "full member" means a member of the Association who is shown in the register kept under subsection 9 (2) as being a full member of the Association;
- (e) "registrar" means the registrar of the Association;
- (f) "student" means a student of the Association as provided for in this Act.

2.—(1) The Ontario Association of Landscape Architects is hereby continued as a corporation without share capital and the persons registered as members of the Association on the

Association
continued

day this Act comes into force and such other persons as hereafter become members of the Association constitute the corporation.

Continuation
of present
Council

(2) The members of the Council and the officers of the Association in office immediately prior to the coming into force of this Act are hereby continued in office until their successors are appointed or elected in accordance with this Act and the by-laws.

Letters
patent
revoked

(3) The letters patent of the Association are revoked, but the revocation of the letters patent does not affect the rights or obligations of the Association or any by-law, resolution or appointment of the Association except to the extent that the by-law, resolution or appointment is inconsistent with this Act.

Special Act
corporation

(4) The Association shall be deemed to be a corporation incorporated by a special Act.

Objects

3. The objects of the Association are,

- (a) to furnish means and facilities by which members of the Association and students may increase their knowledge, skill and efficiency in all things related to the business or profession of a landscape architect;
- (b) to hold examinations and prescribe tests of competency deemed appropriate to qualify for admission to membership in the Association;
- (c) to establish and maintain standards of knowledge and skill among its members;
- (d) to maintain discipline among members of the Association and students; and
- (e) to establish and maintain standards of professional ethics among members of the Association and students,

in order that the public interest may be served and protected.

Powers

4. For the purposes of carrying out its objects, the Association has the capacity and the powers of a natural person.

Council

5.—(1) The affairs of the Association shall be managed by the Council.

(2) The Council shall consist of not fewer than seven or more than twelve members of the Association, as the Council may from time to time determine, elected from the membership of the Association. Composition

(3) The Association may by by-law provide for the appointment to the Council of up to three persons who are not members of the Association. Idem

(4) The manner of electing the members of Council, the notification to the electors of the time and place of holding elections, the nomination of candidates, the presiding officers at elections, the taking and counting of votes, the giving of a casting vote in the case of an equality of votes, the tenure of office of members of the Council and other necessary details shall be as set out in the by-laws. Idem

(5) At any meeting of Council, a majority of the members of the Council constitutes a quorum. Quorum

(6) The Council shall elect,

Chairman,
etc.

- (a) from among its members a president and a vice-president; and
- (b) a secretary-treasurer or a secretary and a treasurer who need not be a member of the Council.

(7) In the case of death, resignation or incapacity of any member of Council, the office shall be declared vacant by the Council and the Council shall fill the vacancy in such manner as may be prescribed by the by-laws of the Association for the balance of the term and for the purpose of this subsection, absence from three consecutive meetings of the Council may be treated by the Council as incapacity. Vacancies

(8) The Council shall appoint a registrar, who need not be a member of the Council, and the registrar shall perform the functions assigned to him or her by this Act and such other duties as may be assigned by the Council. Registrar

6. At any general or special meeting, members of the Association may be represented and vote by proxy, but, Proxies

- (a) no proxy shall be exercised by a person who is not a member of the Association; and
- (b) the proxy shall be exercised in accordance with the by-laws on voting and proxies.

By-laws

7.—(1) The Council may pass by-laws regarding such matters as are necessary to conduct the business and carry out the objects of the Association and, without restricting the generality of the foregoing, in addition to the matters specifically provided elsewhere in this Act, the Council may pass by-laws,

- (a) prescribing the qualifications for and conditions of registration for students;
- (b) prescribing a curriculum and courses of study to be pursued by students and the subjects upon which the students and candidates for admission as members of the Association shall be examined and for granting certificates to students and candidates who have successfully passed the examinations;
- (c) regulating and governing the conduct of members of the Association in the practice of their business or profession, by prescribing a code of ethics, rules of professional conduct and standards of practice, and by providing for the suspension, expulsion or other penalty for professional misconduct, incapacity or incompetence;
- (d) prescribing fees payable to the Association;
- (e) governing the calling, holding and conducting of meetings of the Council and of the members of the Association;
- (f) establishing and providing for the administration of a benevolent fund for the benefit of any member of the Association or the families of deceased members of the Association who may require financial assistance and, for that purpose, providing for the receipt of contributions or donations and for contributions from the funds of the Association;
- (g) authorizing the making of grants for any purpose that may tend to advance landscape architecture knowledge and education, or improve standards of practice in landscape architecture, or support and encourage public information and interest in the past and present role of landscape architecture in society;
- (h) prescribing the categories of membership in the Association of which one category shall be full membership and such other categories of membership as the Council considers appropriate and pre-

scribing the qualifications for membership in the various categories of membership;

- (i) prescribing the custody and use of the Association seal;
- (j) prescribing the manner in which records and the making of reports are maintained and kept for and by the Association; and
- (k) generally conducting the affairs of the Association.

(2) Every new by-law or change to an existing by-law is effective when it is passed by the Council but expires with the close of the next annual meeting of the members of the Association held after its passing, unless it is confirmed by the meeting.

Confirmation
of by-laws

(3) The by-laws of the Association shall be open to examination by the public at the head office of the Association during normal office hours.

Inspection
of by-laws

8. The head office of the Association shall be in The Head office Municipality of Metropolitan Toronto or at such other place in Ontario as is designated by the by-laws.

9.—(1) The Association shall grant a membership in the Membership Association to any individual who applies therefor in accordance with the by-laws, if the individual,

- (a) is of good character;
- (b) is not less than eighteen years of age;
- (c) has complied with the academic and experience requirements specified in the by-laws for the issuance of the membership in the category of membership for which application was made; and
- (d) has passed such examinations as the Council may set or approve in accordance with the by-laws.

(2) The registrar shall keep a register in which shall be entered the name of all members of the Association in good standing and showing their category of membership and only those persons so registered are members entitled to the privileges of membership in the Association.

Register

Inspection
of register

(3) The register shall be open to examination by the public at the head office of the Association during normal office hours.

Appeals

(4) An individual who is qualified for membership in the Association who has been refused membership or a person who has been subject to a disciplinary sanction under the by-laws may appeal to the Divisional Court, in accordance with the rules of court, from the refusal to grant membership or from the sanction.

Record

(5) Where a person appeals to the Divisional Court, the registrar shall forthwith file with the Court a record of the proceeding that resulted in failure or a refusal to grant membership or the decision of the committee imposing a sanction which, together with any transcript of evidence, if there is one, shall constitute the record in the appeal.

Powers of
Court

(6) An appeal under this section may be made on questions of law or fact, or both, and the Divisional Court may rescind any decision, may exercise all powers of any committee and may direct the Association to take any action that the Association is empowered to take as the Court considers proper and, for such purposes, the Court may substitute its opinion for that of any committee or of the Association or the Court may refer the matter back for rehearing in whole or in part, in accordance with such directions as the Court considers proper.

Designation

10.—(1) Every full member of the Association may use the designation "Landscape Architect".

Idem

(2) Subject to the by-laws, a firm, partnership, corporation or association of persons may use the designation "Landscape Architect" or "Landscape Architects" as part of its name or after its name if the practice of landscape architecture by the firm, partnership or corporation is carried on by or under the direct personal supervision of a full member of the Association who is a full-time employee, member or director of the firm, partnership, corporation or association.

Offence

(3) Subject to subsection (2), any person in Ontario who, not being a full member of the Association, takes or uses the designation "Landscape Architect" or "Landscape Architects" is guilty of an offence.

Evidence

(4) In every case where registration is an issue, the production of a copy of the register, certified under the hand of the registrar, is sufficient evidence of all persons who are members of the Association and of their category of membership in lieu of the production of the original register and any

certificate upon such copy of the register purporting to be signed by a person in his or her capacity as registrar is proof, in the absence of evidence to the contrary, that such person is the registrar without any proof of the person's signature or of the person being in fact the registrar.

(5) The absence of the name of any person from a copy of the register produced under subsection (4) is proof, in the absence of evidence to the contrary, that the person is not a member of the Association. Idem

11.—(1) Subject to subsection 10 (3), this Act does not affect or interfere with the right of any person who is not a member of the Association to offer or provide services similar to those offered or provided by a landscape architect in the Province of Ontario. Right to offer or provide services not affected

(2) Notwithstanding any other provision of this Act, any person in Ontario who, not being a full member of the Association, and who has been using the designation "Landscape Architect" or "Landscape Architects", either alone or in conjunction with a corporate name or partnership name, may continue to do so until the 1st day of January, 1989. Transition

(3) Every individual in Ontario who immediately before the coming into force of this Act was substantially earning a living in landscape architecture shall be accepted as a full member of the Association if within 365 days of the day this Act comes into force he or she applies to the Association to be registered as a full member and pays the annual membership fees for a full member. Right of certain persons to membership

(4) An application to which subsection (3) applies shall be accompanied by the statutory declaration of two persons each of whom must be a member of, Idem

- (a) the Association;
- (b) the Ontario Association of Architects; or
- (c) the Association of Professional Engineers of Ontario,

and the statutory declaration shall state that the person making the declaration knows the individual making the application and has reason to believe that he or she has substantially earned a living in landscape architecture.

(5) Subsection 9 (1) does not apply to an application under subsection (3). Idem

Business
interests,
etc.

12. Notwithstanding any provision of the by-laws or the code of ethics of the Association, no application for membership under this Act shall be refused on the basis that the applicant alone or through partnership or the ownership of shares has an interest in or is employed by a business engaged in the supply of nursery stock or the building of landscapes nor shall any member be required to divest himself or herself of any such business interest or terminate any such employment as a condition of continuing as a full member of the Association.

Surplus

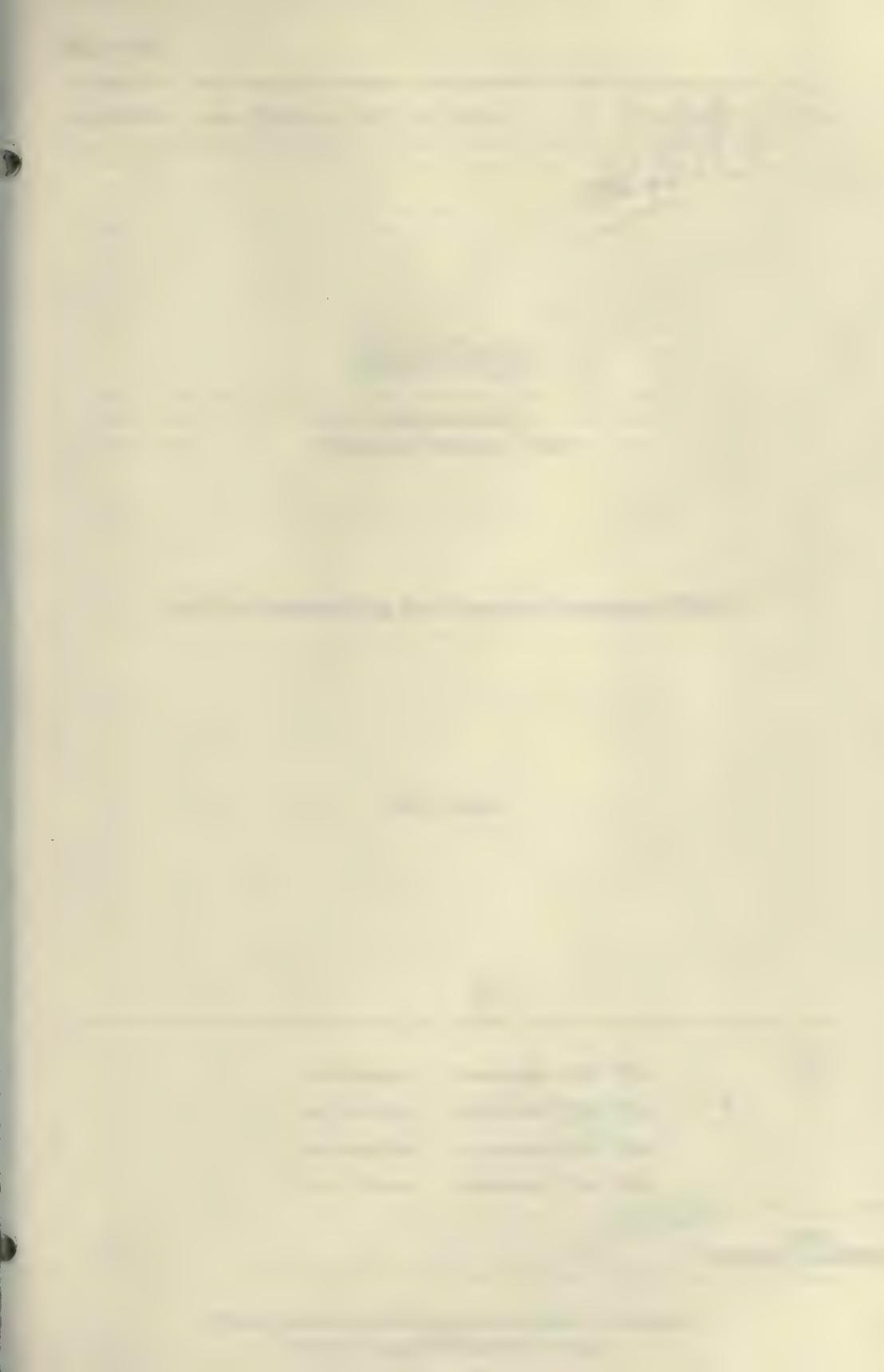
13. Any surplus derived from carrying on the affairs and business of the Association shall be devoted and applied solely in promoting and carrying out its objects and purposes and shall not be divided among its members.

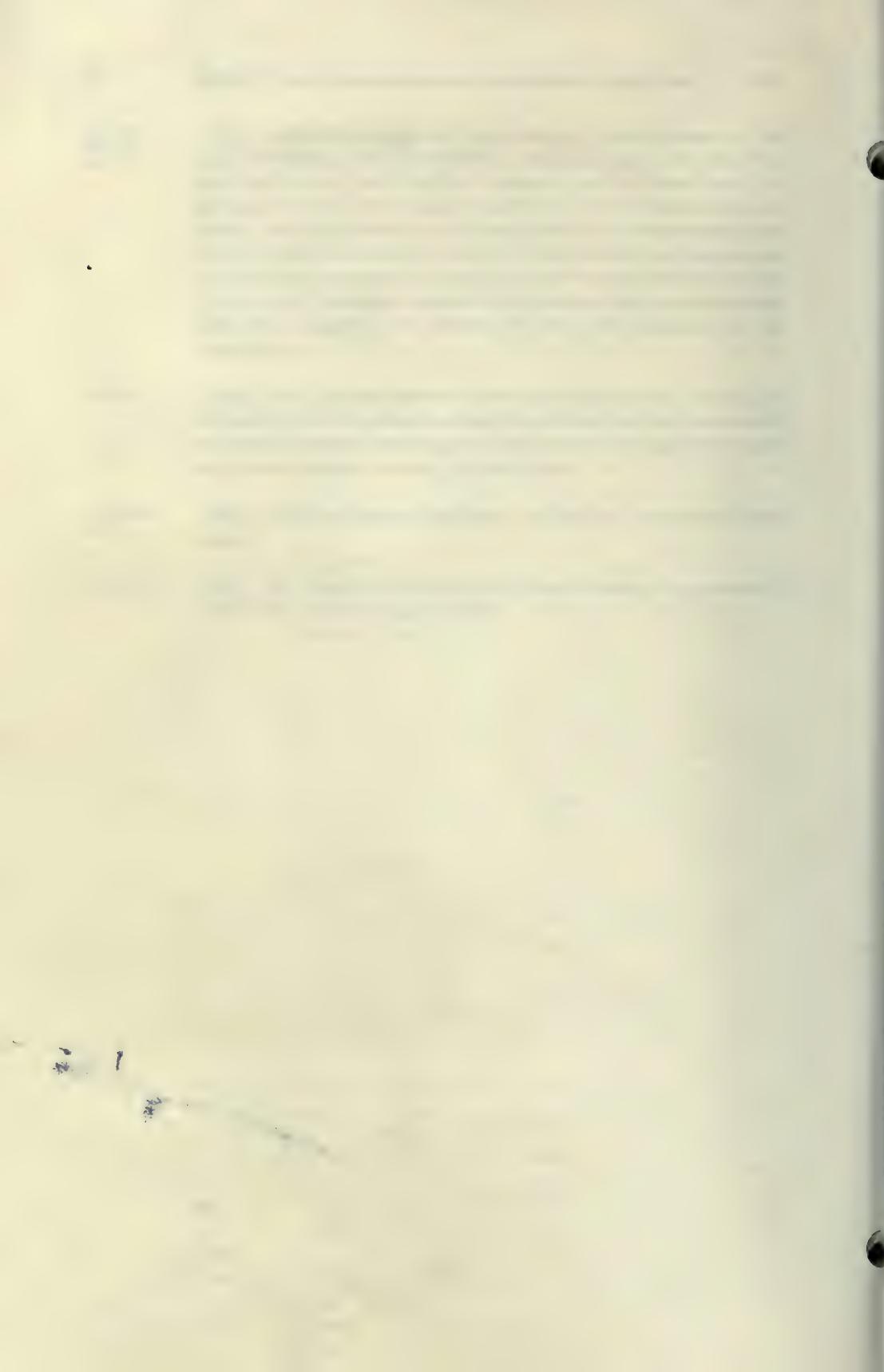
Commencement

14. This Act comes into force on the day it receives Royal Assent.

Short title

15. The short title of this Act is the *Ontario Association of Landscape Architects Act, 1984*.







Bill Pr39

*(Chapter Pr25
Statutes of Ontario, 1984)*

An Act respecting the Town of Iroquois Falls

Mr. Piché

<i>1st Reading</i>	November 15th, 1984
<i>2nd Reading</i>	November 23rd, 1984
<i>3rd Reading</i>	November 23rd, 1984
<i>Royal Assent</i>	November 27th, 1984



RODERICK LEWIS
CLERK
LEGISLATIVE ASSEMBLY

1970

1970

Bill Pr39**1984****An Act respecting the Town of Iroquois Falls**

Whereas The Corporation of the Town of Iroquois Falls hereby applies for special legislation in respect of the matters hereinafter set forth; and whereas it is expedient to grant the application;

Preamble

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. In this Act,

Interpretation

- (a) "Commission" means the hydro-electric commission established under section 2;
- (b) "Corporation" means The Corporation of the Town of Iroquois Falls.

2. A hydro-electric commission, to be known as "The Iroquois Falls Hydro-Electric Commission", is hereby established, as a local board of the Corporation, to supply hydro-electric power on and after the 1st day of January, 1985 to those areas of the Town of Iroquois Falls not served by Ontario Hydro on the 31st day of December, 1984.

Commission established

3. The Commission shall be deemed to be a commission established under Part III of the *Public Utilities Act*.

Application of
R.S.O. 1980,
c. 423**4.—(1) The Commission shall consist of,**

Composition

- (a) the mayor of the Corporation, who shall be a member of the Commission by virtue of office; and
- (b) four other members appointed by the council of the Corporation.

(2) A member of the Commission appointed under clause (1) (b), at the time of his or her appointment, must reside in the area served by the Commission and must be a person who

Qualifications

would be eligible to be elected as a member of the council of the Corporation.

Term of office

(3) Members of the Commission appointed under clause (1) (b) shall serve for a term expiring with the life of the council that appointed them and until their successors are appointed and all such members are eligible for re-appointment.

Commissioners not ineligible for election

(4) A member of the Commission is not disqualified from election as a member of a municipal council or from sitting on or voting therein by reason only of being a member of the Commission.

First Commission

(5) Notwithstanding subsection (1), for the term ending on the 30th day of November, 1985, the members of the Commission shall be the mayor of the Corporation, who shall be a member of the Commission by virtue of office, and Robert Papineau, Wayne Thomas and Dalton Denault and one other person to be appointed by the council of the Corporation who shall all serve until their successors are appointed.

Assumption of assets and liabilities

5. The Corporation, on or after the 1st day of January, 1985, may acquire all of the assets and assume all of the liabilities of Abitibi-Price Inc., pertaining to the hydro-electric distribution system of Abitibi-Price Inc., for distributing hydro-electric power to BioShell Inc., and throughout the former Townsite of Iroquois Falls, as that system existed on the 31st day of December, 1984.

Assent of electors not required

6. The assent of the municipal electors of the Corporation for the establishment of the Commission, the acquisition of the assets and assumption of the liabilities of the hydro-electric distribution system referred to in section 5 and the operation of a hydro-electric distribution system by the Commission is not and shall be deemed never to have been required.

Contract with Ontario Hydro

7.—(1) The Commission, without obtaining the assent of the municipal electors of the Corporation or other approval or authorization, may contract with Ontario Hydro for the transmission and supply to the Commission of power to be distributed and sold in the areas of the Town of Iroquois Falls served by the Commission.

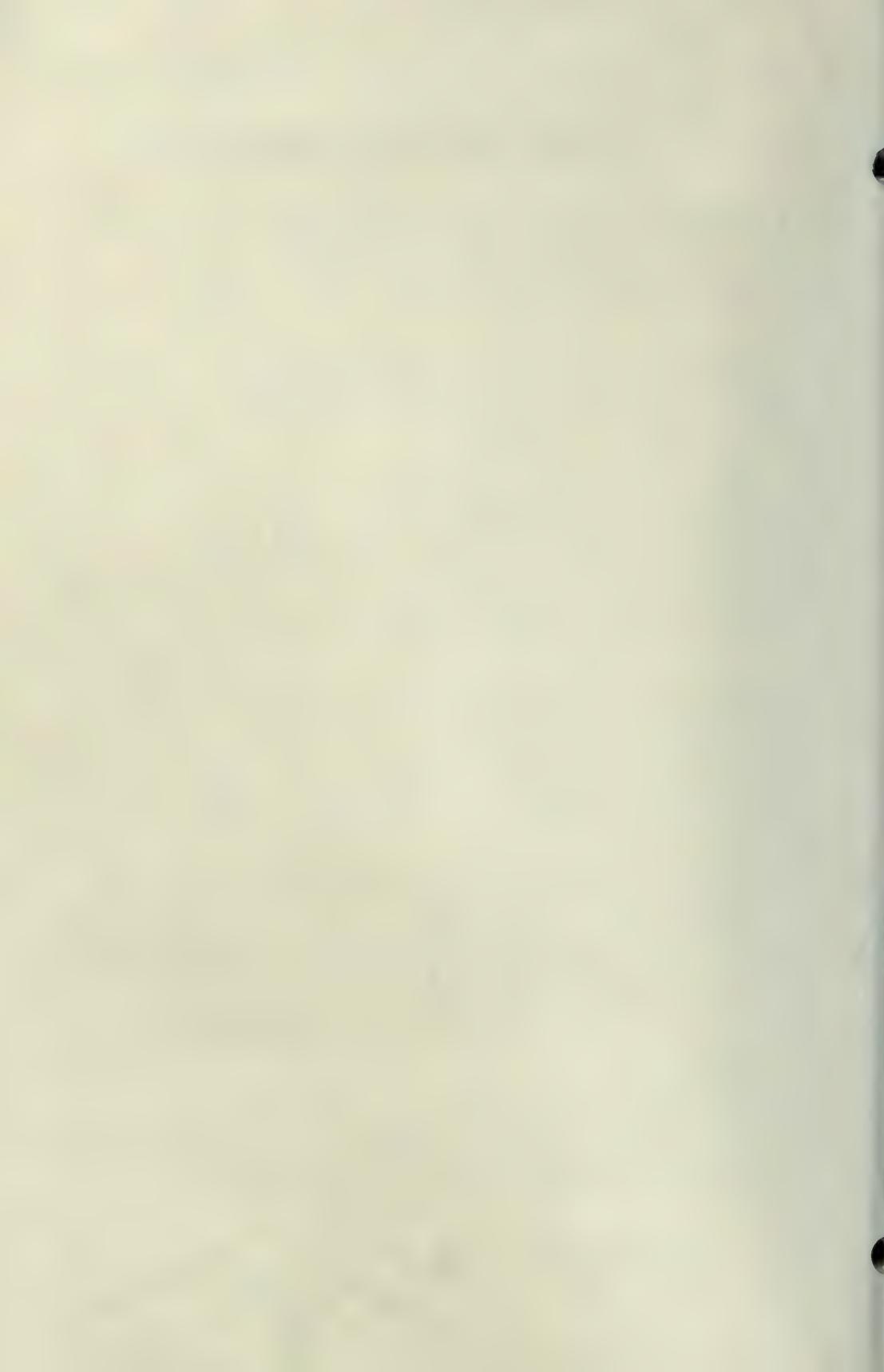
Idem

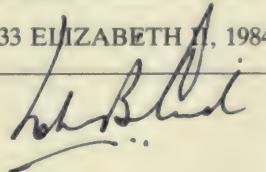
(2) A contract under subsection (1) shall be deemed to be an agreement within the meaning of clause 149 (2) (s) of the *Municipal Act*.

8. This Act comes into force on the day it receives Royal Assent. Commencement

9. The short title of this Act is the *Town of Iroquois Falls Act, 1984*. Short title







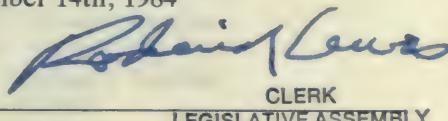
Bill Pr40

*(Chapter Pr29
Statutes of Ontario, 1984)*

An Act respecting the City of St. Catharines

Mr. Bradley

<i>1st Reading</i>	November 30th, 1984
<i>2nd Reading</i>	December 13th, 1984
<i>3rd Reading</i>	December 13th, 1984
<i>Royal Assent</i>	December 14th, 1984



Robert Lewis
CLERK
LEGISLATIVE ASSEMBLY

Bill Pr40**1984****An Act respecting the City of St. Catharines**

Whereas The Corporation of the City of St. Catharines, herein called the Corporation, hereby represents that the commercial area of the former Town of Port Dalhousie, now part of the City of St. Catharines, at the northern terminus of the First, Second and Third Welland Canals is an area with a special identity and character to be given protection and enhancement according to the provisions of the official plan of the City of St. Catharines; that the portico at premises municipally known as 12 Lakeport Road, in the City of St. Catharines, within the Port Dalhousie commercial area, encroaches upon Lakeport Road, a public highway within the jurisdiction of the Corporation, but not so as to interfere with the free flow and safe passage of persons using the highway; that a portion of the building at the same premises encroaches upon Hogan's Alley, a public highway within the jurisdiction of the City of St. Catharines, but not so as to interfere with the free flow and safe passage of persons using the highway; that paragraph 101 of section 210 of the *Municipal Act* permits councils to pass by-laws permitting encroachments inadvertently erected upon a highway; that the Corporation has authorized the inadvertent encroachments of the said portico upon Lakeport Road and the building upon Hogan's Alley by an agreement made under the said paragraph 101; that the said agreement, dated the 28th day of April, 1980, was registered in the Land Registry Office for the Registry Division of Niagara North (No. 30) on the 30th day of April, 1980, as instrument number 416097; that the owner of the property municipally known as 12 Lakeport Road wishes to cover the said portico and building with glass enclosures; that the council of the Corporation wishes to approve the request and permit the encroachment, but the said paragraph 101 does not apply so as to permit the Corporation such approval; and the Corporation hereby seeks special legislation to permit such encroachment upon a public highway; and whereas the Corporation applies for special legislation authorizing the encroachment and providing for matters incidental thereto; and whereas it is expedient to grant the application;

Preamble

R.S.O. 1980,
c. 302

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Powers re
encroachments
at 12 Lakeport
Road

1.—(1) The council of the Corporation may pass by-laws for authorizing one or more agreements between the Corporation and the owner of the land and premises municipally known as 12 Lakeport Road, as described in the Schedule, for the construction, maintenance and use of one or more glass enclosures over portions of Lakeport Road and Hogan's Alley abutting the said land and premises, upon such terms and conditions as may be agreed upon, and for making such annual or other charge as the council considers reasonable, and for providing that the owners of the said land and premises shall indemnify the Corporation for any and all claims arising from injury or damage to any person or property resulting from the construction, maintenance or use of every such enclosure.

Collection of
charge
R.S.O.1980,
c. 302

(2) Clause (a) of paragraph 101 of section 210 of the *Municipal Act* applies with necessary modifications to the collection of a charge imposed under subsection (1).

Commencement

2. This Act comes into force on the day it receives Royal Assent.

Short title

3. The short title of this Act is the *City of St. Catharines Act, 1984*.

SCHEDULE

That parcel of land and premises situate in the City of St. Catharines, in The Regional Municipality of Niagara, formerly in the Town of Port Dalhousie, in the County of Lincoln, and being composed of lots 5 and 6 and part of lots 4 and 7, as shown on a plan registered in the Land Registry Office for the Registry Division of Niagara North as Registered Plan No. 31 and which said parcel may be more particularly described as follows:

Commencing at a point in the westerly limit of Lakeport Road (formerly known as Front Street) distant therein north 29 degrees 06 minutes and 10 seconds east, 190.36 feet from its intersection with the northerly limit of Lock Street;

Thence north 29 degrees 06 minutes and 10 seconds east in the said westerly limit, 64.71 feet to a point distant south 29 degrees 06 minutes and 10 seconds west, 46.10 feet from the northeast angle of Lot 8 as shown on the said Plan No. 31;

Thence north 60 degrees 01 minutes and 10 seconds west, 70.48 feet to the westerly limit of Lot 7 as shown on the said Plan;

Thence south 29 degrees and 42 minutes west in the easterly limit of an alley, 67.0 feet;

Thence south 61 degrees 52 minutes and 10 seconds east, 71.18 feet, more or less, to the point of commencement.

Also situate that parcel of land and premises, situate in the City of St. Catharines, in The Regional Municipality of Niagara, formerly in the Town of Port Dalhousie, in the County of Lincoln, and being composed of part of the unnumbered Block as shown on a plan registered in the Land Registry Office for the Registry Division of Niagara North as Registered Plan No. 31 and which said parcel may be more particularly described as follows:

Commencing at the northeast angle of Lot 8 as shown on the said Registered Plan No. 31;

Thence north 60 degrees 53 minutes and 50 seconds west in the northerly limit of said Lot 8, 70.0 feet to the northwest angle thereof;

Thence continuing north 60 degrees 53 minutes and 50 seconds west, 20.0 feet to the northeast angle of the said unnumbered Block;

Thence south 29 degrees and 42 minutes west in the easterly limit of said unnumbered Block and being also in the westerly limit of a 20 foot alley, 50.0 feet to a point which said point is the place of beginning of the herein described parcel;

Thence south 29 degrees 42 minutes west continuing in the westerly limit of the said alley, a distance of 77.3 feet to a point;

Thence north 36 degrees 18 minutes west, a distance of 25.5 feet to a point;

Thence south 53 degrees 42 minutes west, a distance of 21.3 feet to a point;

Thence south 36 degrees 18 minutes east, a distance of 34.7 feet to a point in the westerly limit of the aforementioned alley;

Thence south 29 degrees 42 minutes west, a distance of 31.7 feet to its intersection with the westerly limit of a 12 foot alley running parallel to Lock Street;

Thence north 41 degrees 41 minutes and 10 seconds west in the northerly limit of the said 12 foot alley, 147.84 feet to its intersection with the easterly limit of a 12 foot alley running parallel to Main Street;

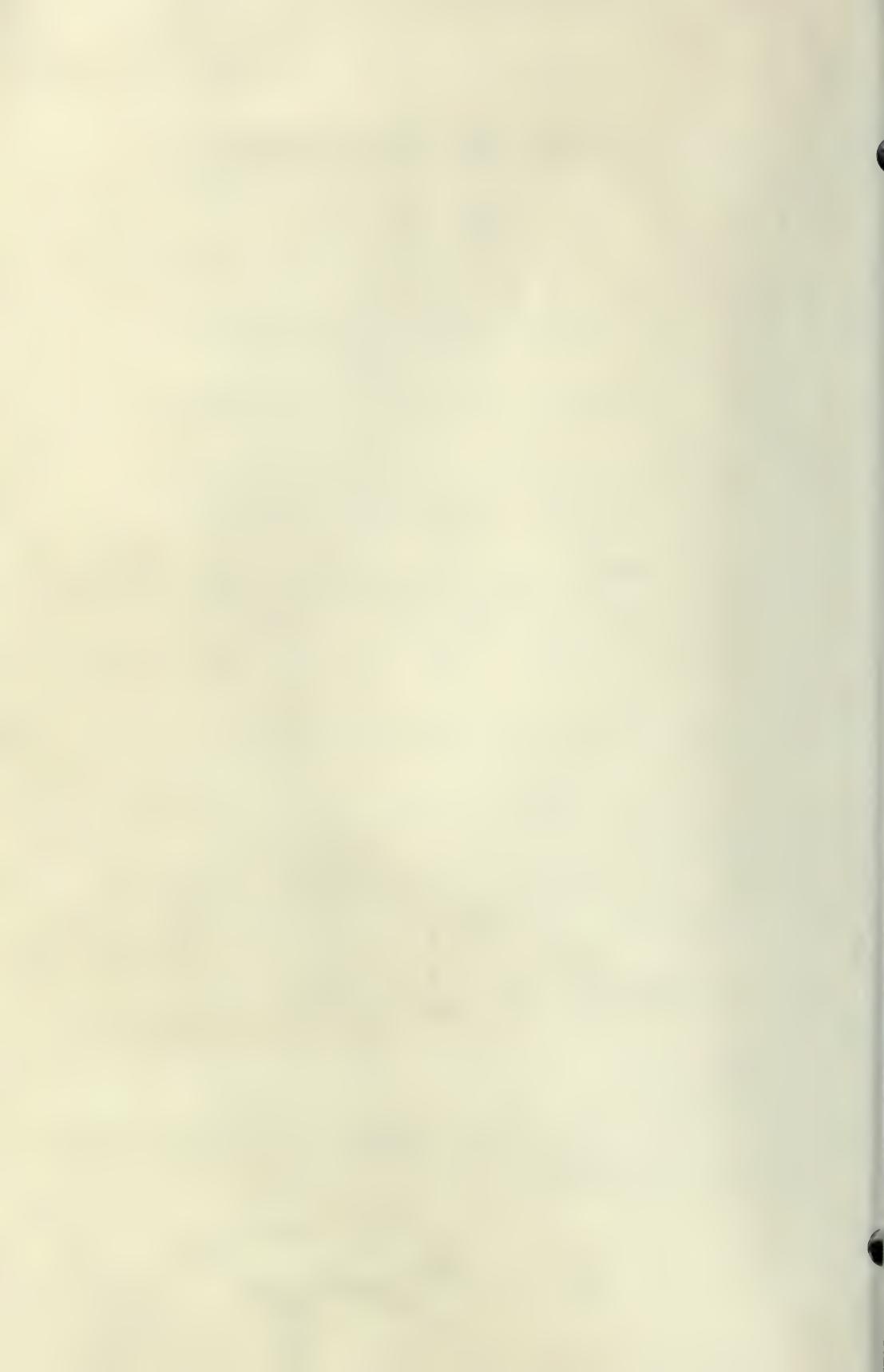
Thence north 48 degrees 21 minutes and 50 seconds east in the said easterly limit of the said last mentioned alley, a distance of 88.61 feet to a point;

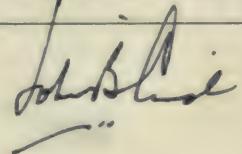
Thence south 60 degrees 53 minutes and 50 seconds east, a distance of 111.75 feet, more or less, to the point of commencement.

Premising that the easterly limit of the alley running between lots 2 to 8 inclusive and the said unnumbered Block as shown on the said Plan No. 31 has an astronomical bearing of north 29 degrees 42 minutes east and relating all bearings herein thereto.









Bill Pr42

*(Chapter Pr5
Statutes of Ontario, 1984)*

An Act respecting the City of Peterborough

Mr. Pollock

<i>1st Reading</i>	March 26th, 1984
<i>2nd Reading</i>	May 1st, 1984
<i>3rd Reading</i>	May 1st, 1984
<i>Royal Assent</i>	May 1st, 1984



RODENICK LEWIS
CLERK
LEGISLATIVE ASSEMBLY

ANSWER

ANSWER

Bill Pr42**1984****An Act respecting the City of Peterborough**

Whereas The Corporation of the City of Peterborough hereby represents that it desires to acquire title to the property situate in the City of Peterborough known as R. A. Morrow Memorial Park; that the said property, by deed dated the 3rd day of January, 1938 and registered in the land registry office for the Registry Division of the County of Peterborough on the 15th day of January, 1938 as instrument number 10420, was conveyed to certain trustees and their successors upon the trusts and terms expressed in the deed; that part of the property described in the trust deed was conveyed to the Corporation, as authorized by *The City of Peterborough Act, 1954* (No. 2); that under the trust deed, the Peterborough Industrial Society and its successors were to enjoy the use of the lands for the purpose of an industrial and agricultural exhibition grounds and, if the Society or its successors ceased to use the property for such purposes, the Corporation was to receive the enjoyment of the use of the property for the purpose of a public park; that the Society, now known as The Peterborough Agricultural Society, used, and continues to use, the property as an exhibition grounds; that the Society, the Corporation and the trustees of the R. A. Morrow Memorial Park Trust believe that it would be in the best interest of the Society and the Corporation that the property be conveyed to the Corporation to be used for park and recreational purposes and to be used by the Society as an exhibition grounds for an annual exhibition and for other purposes; that the Society, the Corporation and the trustees, by an agreement dated the 15th day of August, 1983 expressed their desire and consent with respect to the said conveyance, subject to the terms and conditions set out in the agreement; that the original trust provided that if the property was not used by the Society or the Corporation as heretofore set out, the property was to revert to the grantor, Harold Archibald Morrow, his heirs, executors and assigns; that it is the intention of the Society and the Corporation that the lands be used in perpetuity in accordance with the agreement; that the property is the only asset of the trust; that it is desirable that the trust be dissolved and the trustees relieved of their obligations subsequent to the conveyance of the property to the Corporation;

Preamble

1954, c. 123

that the Corporation has been authorized by the Society and the trustees to bring an application for private legislation to authorize the entering of the agreement and to effect the conveyance of the property to the Corporation and to provide for the dissolution of the trust; and whereas the Corporation hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

Interpretation

1. In this Act,

- (a) "agreement" means the agreement between the trustees of the Park, the Society and the Corporation dated the 15th day of August, 1983, as set out in Schedule A hereto;
- (b) "Corporation" means The Corporation of the City of Peterborough;
- (c) "Park" means R. A. Morrow Memorial Park in the City of Peterborough as described in Schedule A to the agreement;
- (d) "Society" means The Peterborough Agricultural Society;
- (e) "trust deed" means the instrument registered as instrument number 10420 in the land registry office for the Registry Division of the County of Peterborough, as set out in Schedule B hereto;
- (f) "trustees" means the trustees of the Park.

Parties
authorized
to enter and
perform
agreement

2. Notwithstanding any general or special Act nor any terms or conditions set out in the trust deed, the trustees, the Society and the Corporation shall be deemed to have and since the 15th day of August, 1983 to have had the power to enter into and perform the agreement.

Conveyance
of Park

3. The Park is hereby vested in the Corporation in fee simple free from all rights, trusts, interests and limitations and restrictive covenants but subject to,

- (a) the reservations, limitations, provisoies and conditions expressed in the original grant thereof from the Crown;

- (b) the mutual covenants and agreements and the terms and conditions set out in the agreement.

4.—(1) The Society and the Corporation may from time to time amend the agreement. Amendments to agreement

(2) An amendment to the agreement shall not release the Corporation from its obligation under the agreement to use the Park for park and recreation purposes. Exception

5.—(1) The agreement, as amended from time to time, shall be deemed to run with the land and shall bind the Society, the Corporation and their successors in title. Binding effect of agreement

(2) The Corporation shall cause a copy of this Act and the agreement to be registered in the proper land registry office within sixty days of the day this Act comes into force. Registration of agreement

(3) The Corporation shall cause a copy of every amendment to the agreement to be registered in the proper land registry office within sixty days of its execution by the Society and the Corporation. Registration of amendments

6.—(1) The trustees may apply to the local judge of the Supreme Court for a declaration that the trust is dissolved. Dissolution of trust

(2) In an application under subsection (1) the local judge shall consider any question arising in the course of the proceedings, including the settlement and passing of accounts of the trust, and may settle and decide any question or claim incidental to the winding-up and dissolution of the trust, except the conveyance of the Park to the Corporation and any terms of the attached agreement. Idem

(3) In the case of a contest, the local judge may decide any question or claim on the evidence, or may direct any mode of investigation that he or she considers expedient and may defer the granting of the declaration of dissolution of the trust until all questions and claims are decided. Idem

(4) The local judge shall declare the R. A. Morrow Memorial Park Trust dissolved when he is satisfied that all matters incidental to the dissolution of the trust have been decided. Idem

7. Notwithstanding any other provision of this Act, if the Corporation ceases to use the Park for park and recreation purposes, the Corporation shall be deemed at that time to have acquired the land as trustee subject to the trusts set out in the trust deed, as if the Corporation had originally been Revival of trust

named in the trust deed as the trustee in the place and stead of the grantees named therein.

Commence-
ment

8. This Act comes into force on the day it receives Royal Assent.

Short title

9. The short title of this Act is the *City of Peterborough Act, 1984*.

Schedule A

THIS AGREEMENT MADE THIS 15TH DAY OF AUGUST, 1983.

BETWEEN:

HERBERT IAN BRADBURN, and

WILLIAM ROSS THOMPSON, and

WILLIAM MAXWELL COMSTOCK, and

HUGH FRANKLIN WADDELL, all

being the TRUSTEES of the

R.A. MORROW MEMORIAL PARK

(hereinafter referred to as "The Trustees")

—and—

THE PETERBOROUGH AGRICULTURAL SOCIETY

(hereinafter referred to as "The Agricultural Society")

—and—

THE CORPORATION OF THE CITY OF PETERBOROUGH,

(hereinafter referred to as "The City")

WHEREAS by Deed dated the Third day of January, 1938, and registered in the Registry Office for the Registry Division of the County of Peterborough on the Fifteenth day of January, 1938, as Instrument Number 10420 for the Township of North Monaghan, the lands now situate in the City of Peterborough and composed of Park Lots Numbers 18, 19 and 20 in Township Lot Number 14 in the 11th Concession of the Township of North Monaghan were conveyed to certain Trustees and their successors, upon the Trusts and terms expressed in the said Deed;

AND WHEREAS the Trustees named herein are the successors in office and have been entrusted by powers of appointment to carry out the terms of the said Trust;

AND FURTHER WHEREAS part of the said property was conveyed to The Corporation of the City of Peterborough by the said Trustees and with the consent of The Peterborough Industrial Society upon the terms and conditions expressed in a Deed made the Ninth day of November, 1956, and registered on the Ninth day of May, 1958 in the Land Registry Division of Peterborough as Instrument Number 89185, in accordance with the provisions of *The City of Peterborough Act 1954 (Number 2)*;

AND WHEREAS the Peterborough Agricultural Society is the successor of the Peterborough Industrial Society in accordance with *The Agricultural Societies Act* of the Province of Ontario, as amended from time to time;

AND FURTHER WHEREAS the Peterborough Agricultural Society and its predecessor, the Peterborough Industrial Society received the benefit of the use of the said property upon the terms and conditions expressed in the said Deed being Instrument Number 10420;

AND WHEREAS the Agricultural Society and the City have requested the Trustees to enter into this Agreement in order that the property may be used in the manner herein provided for and for the greater benefit of the citizens of the City and County of Peterborough.

NOW THEREFORE THIS AGREEMENT WITNESSETH that in consideration of the mutual covenants and agreements herein contained and subject to the terms and conditions hereinafter set out the parties agree as follows:

DEFINITIONS

1. In this Agreement:

- (a) "The City" means the Corporation of the City of Peterborough;
- (b) "The Trustees" refers to the Trustees, from time to time, duly appointed to carry out the provisions expressed in the Trust Deed being Instrument Number 10420 as registered in the Land Registry Division of the County of Peterborough;
- (c) "The Agricultural Society" means the Peterborough Agricultural Society as organized and constituted pursuant to *The Agricultural Societies Act*, R.S.O. 1980, Chapter 14, and predecessors or successors of the said Act.
- (d) "The land" shall mean that land described in Schedule "A" to this Agreement.
- (e) "the property" shall mean and include the land described in Schedule "A" as annexed hereto and all buildings, fixtures, and chattels affixed to the land,
- (f) "City Engineer" means the Engineer for the time being of the Corporation of the City of Peterborough,
- (g) "services" or "facilities" includes sewers, grading, drainage works, roads, curbs, sodding, landscaping, sidewalks, walkways, fencing and other works required to be provided pursuant to this Agreement,
- (h) where the context permits, words importing the singular number or the masculine or neuter gender also include more persons, parties or things of the said kind than one, and females as well as males,
- (i) "specifications" means any and all specifications, plans or drawings at any time furnished for the carrying out of this Agreement including any and all plans, and terms expressed therein, which are attached to this agreement.

PART I

CONVEYANCE AND VESTING OF THE PROPERTY

2. The parties hereby agree that the property shall be conveyed to, and vested in, the City in accordance with the terms and conditions expressed herein. The property shall be under the exclusive control of the City subsequent to the conveyance of the property, subject to the continuing rights of the Agricultural Society outlined herein and subject to the condition that it be used for park and recreation purposes.

PERFECTING THE CONVEYANCE

3. The parties agree to take and do all requisite acts to perfect the said conveyance of the property and to execute all instruments or documents to implement the said conveyance. The parties hereby grant their consent to the City of Peterborough to make application to the Legislative Assembly of Ontario in order to pass legislation that shall:
 - (a) empower to the Trustees to convey the said property to the City, subject to any rights and reservations in the Crown, and
 - (b) absolve the Trustees and the Agricultural Society from any and all liability arising by virtue of the said conveyance and provide adequate protection thereto.

The application and all expenses and costs thereto shall be the responsibility of the City.

TRUSTEES CONSENT CONDITIONAL

4. The consent of the Trustees to perfect the conveyance of the property is conditional upon the passage of the said legislation specified in Paragraph 3 to this Agreement.

PART II

IMPROVEMENTS TO THE PROPERTY

5. The parties agree and acknowledge that the City may implement a program of rehabilitation and improvement in reference to the said property in accordance with the specifications and conditions hereinafter set out in this Agreement.

CITY TO SUPPLY LABOUR, SERVICES, AND MATERIAL

6. The City shall at its expense (except as otherwise specifically provided) provide all and every kind of labour, superintendence, management, materials and all other services for the due execution and completion of all and every of the works or undertakings referred to in this Agreement.

EXISTING FACILITIES

7. The Plan attached hereto and marked as Schedule "B" to this Agreement outlines the existing facilities on the land.
- 7A. The Society shall have the right, at their expense, to erect and maintain two signs for year round display for the purpose of

advertising the Peterborough Exhibition at mutually acceptable locations.

SITE PLAN

8. The parties agree to the development of the property in accordance with the Site Plan attached hereto and marked as Schedule "C" to this Agreement. Minor alterations to the Plan may be made at the discretion of the City Engineer. Any alteration which would result in an area change of a building or facility shall require the consent of the Agricultural Society.

IMPLEMENTATION OF THE SITE PLAN

9. The City shall develop the property in accordance with the Site Plan and provide all site features, facilities, and services as shown pursuant to the plan.

CONDITIONS OF DEVELOPMENT

10. The following terms and conditions shall govern the development of the said lands:

- (a) the entrance gate to R.A. Morrow Memorial Park shall be retained and maintained by the City;
- (b) the fountain situate on the property shall be retained, and, if moved, then relocated to another part of the property. The Agricultural Society is to approve of any relocation of the fountain.
- (c) if the City erects a building with a minimum floor area as specified in Paragraphs 10 (e), (g) & (h), which would include ties for 240 animals, a judging pavilion, washrooms and wash racks, the City would be at liberty to demolish or remove the following buildings as identified on Schedule "B":

LIST OF BUILDINGS TO BE DEMOLISHED OR REMOVED

Building #4	120' x 32' =	3840 sq. ft.
" #5	120' x 32' =	3840 sq. ft.
" #6	100' x 60' =	6000 sq. ft.
" #7	135' x 32' =	4320 sq. ft.
" #8	94' x 39' =	3666 sq. ft.
" #9	155' x 39' =	6045 sq. ft.
" #10	120' x 39' =	4680 sq. ft.
" #11	125' x 25' =	3125 sq. ft.
" #12	200' x 25' =	5000 sq. ft.

Total Area = 40,516 sq. ft.
Approximately

- (d) The buildings shown as #2 and #3 on the said Plan may also be removed on the condition that building #6 (the existing judging pavilion, being approximately 100' x 60') is relocated to the southside of the Drill Hall and retained for use by the Agricultural Society. This work shall not be undertaken prior to August 1, 1983 unless Building #6 can be relocated and appropriately placed in its new location with a new concrete floor completed prior to the commencement of the 1983 Exhibition. This undertaking may commence after November 1, 1983 at the discretion of the City.

DESIGN OF NEW BUILDING

- (e) The design and appropriate specifications of a new building shall be subject to the review and approval of a duly appointed Committee specified by The Agricultural Society and appropriate representatives named by the City of Peterborough. The said Committee and City representatives shall approve of the design and specifications for the said building no later than July 29th, 1983.

The new building shall include ties for two hundred and forty (240) animals and appropriately accommodate such animals. It shall be capable of having a judging pavillion and shall have appropriate washrooms and wash racks to serve users of the facility. The building shall have a minimum floor area of twenty-one thousand, six hundred (21,600) square feet exclusive of washrooms.

A livestock unloading platform will be located as specified by Society representatives on the Building Committee. The firm of Lawrence W. Argue and Associates, Consulting Engineers, shall provide appropriate consulting service in regard to the design of the new building. The cost to retain the said Consulting Engineers shall be borne equally by the City and the Society.

CONSTRUCTION OF THE NEW BUILDING

- (f) The conduct of the work and construction of the new building shall be managed by the City, subject to the appropriate direction of the Consulting Engineers. The City shall provide all labour and materials for the construction of the new building, with the exception of the portable stalls which shall be provided at the expense of the Agricultural Society. The City shall provide the labour for the construction and installation of the portable stalls. The materials to be utilized for the construction of the stalls shall be selected at the option of the Agricultural Society.

NEW BUILDING—INCREASE IN SIZE

- (g) It is agreed that at the option of the Society if the Agricultural Society should require additional floor space for the new building, as contracted for by the City, the said Society shall provide notice of its request for more space to the City Engineer and Consulting Engineers no later than fourteen (14) days after the City has accepted the tender for the construction of the new building. The plans for the construction of the new building shall be altered accordingly, and all costs and expenses in excess of \$364,000.00 in relation to the provision of the additional space shall be borne by the Agricultural Society.

Notwithstanding any other provision in this Agreement, the prospective liability of the City in relation to the construction of a new building is recognized by all parties to be limited to \$364,000.00.

- (h) The City shall tender for the construction of the new building and the tender shall allow for the following:

- (a) the projected cost for the construction of the 21,600 square foot building.

- (b) the projected cost, for the construction of a building of 23,763 square feet (90 feet x 264 feet).

The City agrees and warrants that it shall construct the 23,763 square foot building if the projected cost for such construction does not exceed \$364,000.

SCHEDULE FOR DEMOLITION OF EXISTING BUILDINGS

- (i) No buildings presently on the site shall be demolished or moved by the City until the plans and specifications of any new building to be constructed by the City have been approved by the Consulting Engineers, the Committee appointed by the Agricultural Society and the representatives of the City.

EXECUTION OF WORK DIRECTED BY THE CITY ENGINEER

11. (a) The work shall be commenced, carried on and undertaken to completion by the City, in all its several parts, in such a manner and at such points and places as the City Engineer shall from time to time direct, and to his satisfaction and pursuant to his control and supervision, but always according to the provisions of this contract, and if no direction is given by the City Engineer, then in a careful, prompt, and workmanlike manner.

CONSULTING ENGINEER SOLE JUDGE OF WORK AND MATERIAL

11. (b) The Consulting Engineer retained by the Agricultural Society and the City shall be the sole judge of the work and material in respect to quality and quantity, and the said decision of the Engineer on all questions in dispute with regard thereto, as to the meaning or interpretation of the plans, drawings and specifications, shall be final, and no work under this Agreement shall be deemed to have been performed, nor materials or things provided, unless and until the Consulting Engineer is satisfied therewith, as evidenced by this Certificate in writing.

(c) SITE SECURITY

The City shall provide adequate security to the property during construction.

(d) DAMAGE TO PERSONS OR PROPERTY

The City, its agents and all workmen and persons employed by it, or under its control, shall use due care that no person or property is injured and that no rights are infringed in the undertaking of the work, and the City shall be solely responsible for all damages, by whomsoever claimable, in respect of the death of any persons and in respect of any injury to person or to lands, buildings, structures, fences, trees, crops, roads, shops, or property of whatever description, and in respect of any infringement of any right, privilege or easement whatsoever, occasioned in the carrying on of the work or any part thereof, or by any neglect, misfeasance or non-feasance by the City or by any of its agents, workmen or persons employed by it or under its control, and shall at its own expense make such temporary provisions as may be necessary

to ensure the avoidance of any such death, damage, injury or infringement, and to prevent the interruption of, or any danger to the traffic on any public or private road, and to secure to all persons and corporations the un-interrupted enjoyment of all their rights in and during the performance of the said work; and the City shall indemnify and save harmless the Agricultural Society and the Trustees from and against all claims and demands, loss, costs, damages, actions, suits or other proceedings by whomsoever made, brought or prosecuted in any manner based upon, occasioned by, or attributable to any such death, damage, injury or infringement.

(e) MECHANIC'S LIENS

The City shall not suffer nor permit any lien under the *Mechanics' Lien Act*, *The Construction Lien Act*, nor any like statute to be filed or registered against the lands, the buildings or any fixtures or improvements on the lands, by reason of work, labour, services or materials supplied or claimed to have been supplied to the property. If any such lien shall at any time be filed or registered the City shall procure registration of its discharge within twenty (20) days after the lien has come to the notice or knowledge of the City, PROVIDED, however, that should the City desire to contest in good faith the amount or validity of any lien and shall have so notified the Trustees and Agricultural Society, and if the City shall have deposited with the Trustees or paid into Court to the credit of any lien action, the amount of the lien claimed plus a reasonable amount for costs, then the City may defer payment of such lien claim for a period of time sufficient to enable the City to contest the claim with due diligence, provided always that neither the lands nor the buildings nor any part thereof shall thereby become liable for forfeiture or sale. Nothing herein contained shall authorize the City to subject the property to any lien.

(f) RISK

The City shall notify the Agricultural Society of any demolition or alteration to the buildings and the Agricultural Society shall notify its insurers accordingly and provide instructions in reference to the material change in circumstances.

The City shall provide adequate public liability coverage for all claims that may be made arising out of the works and undertakings on the property.

The City shall, at its sole expense, provide adequate coverage in reference to the land and buildings subsequent to the conveyance of the property to the City.

OTHER BUILDINGS ON SITE

12. Building #13 shall be extended by the City at its expense and such extension shall not be less than 60 feet in length (and not less than the existing width) together with wooden stalls similar to those presently in place. (Such stalls may be taken from demolished buildings). The Building shall be extended to the East in accordance with the attached Site Plan. The City is at liberty to specify the materials to be utilized in such expansion.

GUARANTEE

13. The City warrants that if any of the buildings are demolished or removed by the City or its agents pursuant to this agreement, then the new building shall be constructed as a replacement even if the property is not conveyed to the City. All improvements will enure to the benefit of the Trustees and the Agricultural Society pursuant to the Trust, free and clear of all claims by the City or any other person.

PART III**USE OF THE PROPERTY****NAME**

14. The name "R.A. Morrow Memorial Park" shall be retained for the property, which property as described in Schedule "A" shall be retained by the City for all time en bloc and shall be used by the City for parks and recreational purposes for the benefits of the inhabitants of the City and County of Peterborough, subject only to the continuing rights of The Peterborough Agricultural Society outlined herein.

AGRICULTURAL SOCIETY OFFICE BUILDING

15. (a) The existing Agricultural Society office building shall be retained for the exclusive use of the Agricultural Society. The Society shall provide adequate insurance coverage in regard to the use of this building and its contents at its expense. The Agricultural Society shall not do nor permit to be done any act or thing which may make void or voidable any insurance upon the building or which may cause any increase or additional premium to be payable for any insurance on the building paid by the City.

The Agricultural Society shall keep the premises in a clean and wholesome condition in conjunction with maintenance services provided by the City.

- (b) If it is ever proposed by the City the said building be demolished or removed from the land, then the City shall provide to the Agricultural Society satisfactory office space of indentical square footage area to be made available within R.A. Morrow Memorial Park. Any change in the status of the existing building is subject to approval of the Agricultural Society.

MEMORIAL CENTRE

16. The Agricultural Society and the "Board of Trustees of the Peterborough Memorial Centre" shall agree to the use of the Memorial Centre in accordance with the provisions of the prevailing Agreement, By-laws, and Provincial legislation.

EXHIBITION

17. The City shall grant to the Agricultural Society the free use of the grounds and buildings for the purpose of operating an Exhibition upon the following terms:

- (a) the Agricultural Society shall have complete use of the grounds and buildings for the Exhibition week (7 full days) and shall be entitled to the receipt of all revenues from the said Exhibition and shall pay all expenses for the operation of the same.
- (b) The Agricultural Society shall be at liberty to enter into possession of the buildings fourteen (14) days prior to the commencement of the Exhibition in order to prepare for the said Exhibition.
- (c) The Agricultural Society shall vacate the property and buildings and clear the property of all garbage and debris following the Exhibition and shall be allowed sufficient time to implement the appropriate clearing and cleaning of the site. The expense for such clean-up shall be borne by the Agricultural Society.
- (d) The Agricultural Society shall indemnify the City for all claims, demands, and liens arising out of the operation of the Exhibition that may be made against the City, or in any manner infringe on the City's quiet enjoyment of the property.
- (e) The Agricultural Society shall obtain appropriate Insurance coverage to protect against all risks arising from the conduct and operation of the said Exhibition and shall provide the City Clerk with a copy of the said Insurance policy.
- (f) The Agricultural Society shall notify the City Clerk of the date for the commencement of the Exhibition no later than December 31 of the preceeding year in which the Exhibition is to be held.

USE DURING THE YEAR

- 18. (a) The City shall provide at the discretion of the Peterborough Agricultural Society free use of the multi purpose building, horse barns, grandstand, plus adequate parking, as outlined in Schedule "C" dated August 15th, for at least 30 days in each calendar year and the Society shall be entitled to receipt of all revenues derived therefrom. The said thirty (30) days does not include the use of the property for the two weeks prior, and one week during, the operation of the Exhibition.
- (b) The City agrees to the use of the property by the Agricultural Society at scheduled times. The Agricultural Society shall provide the City with reasonable notice of its intent to use the lands as specified in Paragraph 18 (a), which, for the purposes of this Agreement, is deemed to be thirty (30) days, save and except the use of the Grandstand by the Agricultural Society which must be scheduled with the City at least six months in advance of its use by the Society.

STORAGE

- 19. The City shall make available to the Agricultural Society at least 4,000 square feet of space for the storage of equipment and material on the property.

FARMERS' MARKET

20. The operation, management, and control of the Farmers Market presently operating on the property shall be subject to all rights and obligations as specified in an Agreement made between the City and The Peterborough Farmers' Market Association Inc., a non-share corporation, incorporated pursuant to the laws of the Province of Ontario.

PARKING DURING THE EXHIBITION

21. The City shall provide suitable parking for the Exhibition parking requirements, which, for the purposes of this Agreement, shall obligate the City to provide both on-site (the attached Site Plan indicates the boundaries of permitted on-site parking) and off-site parking at the Brinton Carpet field as it presently exists. In the event that the Brinton Carpet field is sold, the City must provide equal alternative parking at a location that is acceptable to the Society. The revenue derived from parking during the Exhibition shall belong to the Society. The Agricultural Society shall be responsible for the control, security and clean-up of the Brinton Carpet field in reference to off-site Exhibition Parking.

CLOSING OF GEORGE STREET

22. Pursuant to the provisions of the *Municipal Act*, the City shall take appropriate steps to close George Street or that portion of the roadway within the boundaries of Morrow Park for the duration of the Exhibition plus three additional days during each calendar year. The Society shall provide the City with reasonable notice as to when the closing is to be undertaken and shall allow access on the roadway of at least twenty feet in width for fire protection purposes pursuant to The Ontario Fire Code and the applicable regulations.

ADMINISTRATION OF THE PARK

23. (a) Subsequent to the conveyance of the property to the City, the care and management of the property shall be the sole and exclusive responsibility of the City. All revenues derived from the use of the property, its services and facilities shall (except in regard to the operation of the Exhibition and use made by the Society as expressed in Paragraphs #17 & #18) enure to the benefit of the City. The City shall maintain the lands and buildings on the property.
- (b) Two members of the Agricultural Society shall be appointed to the Board of Trustees of the Peterborough Memorial Centre in accordance with the prevailing agreement, by-laws and Provincial legislation.

PERSONNEL

24. The Corporation of the City of Peterborough agrees to employ Wibb Cunningham. The conditions of employment shall be as follows:
 - (i) he shall be employed by the City on an annual basis as a temporary employee and shall be so employed from the 1st day of April, until the 30th day of November, in each year, with the exception of the Exhibition period (see Item iv);

- (ii) he shall be paid the rate for temporary employees and receive the benefits of such employees, as specified in accordance with the Collective Agreement between The Corporation of the City of Peterborough, The Board of Park Management of the City of Peterborough and The Canadian Union of Public Employees and its Local 504, (The Peterborough Civic Employees Union), as amended, and his employment may be terminated, altered, or amended in accordance with the Collective Agreement;
- (iii) he shall work an average of forty (40) hours per week throughout his employment period, but may be assigned overtime work as directed by his Supervisor and in accordance with the Collective Agreement;
- (iv) he shall be employed by the Agricultural Society for two weeks prior and the week of the Exhibition and the three (3) days cleaning period thereafter upon the terms and conditions as agreed by Mr. Cunningham and the Agricultural Society;
- (v) Mr. Cunningham may work for and on behalf of the Agricultural Society at any time, subject to the condition that such employment does not conflict with his hours of employment for the City.

ACKNOWLEDGEMENT—FINANCIAL ASSISTANCE

25. The Agricultural Society and the City shall co-operate in any attempts to obtain grants and other financial support in reference to the maintenance and improvement of the buildings and property.

NOTICE PROVISION

26. Notice shall be deemed to be effected upon the parties for the purposes of this Agreement if such notice is given in writing and served upon the persons or parties specified herein:

- (a) The Corporation of the City of Peterborough

—By personal service on the City Clerk, 500 George Street North, City of Peterborough or, at the designated City Hall for the Corporation of the City of Peterborough (if different than 500 George Street North);

- (b) The Agricultural Society

—By personal service on the presiding President of the Agricultural Society;

- (c) The Trustees of R.A. Morrow Memorial Park

—By personal service on any one of the appointed Trustees.

ARBITRATION PROVISION

27. Any disagreement arising between the parties in relation to the interpretation or application of this Agreement, or any of its provisions, shall be referred to a single arbitrator if the City and Agricultural Society agree, in writing, upon one within ten (10) days after the date on which the disagreement arises; otherwise to the arbitration of three persons, one to be appointed by each

of the parties hereto and the third to be chosen by the two so appointed. If either of the parties being the City and Agricultural Society fails to appoint an arbitrator within fifteen (15) days after the one party has appointed an arbitrator and has notified the other party, in writing, of its appointment and of the matter of disagreement to be dealt with, the decision of the arbitrator appointed by the first of such parties shall be final and binding on both of the parties hereto. If the two arbitrators appointed by or for the parties hereto fail to agree upon the third arbitrator within five (5) days after the appointment of the second of the two arbitrators, either party hereto may apply on fifteen (15) days written notice given to the other party to the Senior Judge of the County Court of the County of Peterborough to appoint such third arbitrator. If any arbitrator appointed refuses to act or is incapable of acting or dies, a substitute for him may be appointed in the manner hereinbefore provided. The decision of the three arbitrators or the majority of them or of the single arbitrator, as the case may be, shall be final and binding upon the parties hereto. All costs and expenses of any such arbitration shall be borne by the parties hereto as the arbitrators direct.

Notice of the hearing to determine the matter in dispute shall be provided, in writing, to both parties by the Arbitrator (or by the third appointed Arbitrator, where the Arbitration is to be disposed of by three Arbitrators).

28. SUCCESSORS & ASSIGNS & NEW APPOINTMENTS

This agreement shall enure to the benefit and be binding upon the parties hereto and their respective successors, including any new representatives made pursuant to any power expressed by Indenture, Trust, or statute.

IN WITNESS WHEREOF the parties have executed this Agreement under their respective corporate seals, as the case may be, and under the hands of their proper signing officers duly authorized in that behalf.

DATED at Peterborough, this 14th day of September, 1983.

) THE CORPORATION OF THE
) CITY OF PETERBOROUGH
)
) MAYOR
)
) CLERK
)
)

[Signatures Omitted]

DATED at Peterborough, this 15th day of November, 1983.

In the Presence of:

) THE TRUSTEES OF R.A. MORROW
) MEMORIAL PARK
)

[Signatures Omitted]

DATED at Peterborough, this 21st day of September, 1983.

In the Presence of:

)	THE PETERBOROUGH
)	AGRICULTURAL SOCIETY
)	
)	

[*Signatures Omitted*]

[*Affidavits Omitted*]

SCHEDULES

Schedule A — Description of the Property

Schedule B — Identification of Buildings on Site

[Omitted]

Schedule C — Site Plan for Development of The Property

[Omitted]

DESCRIPTION OF THE PROPERTY

SCHEDULE "A"

[To the agreement]

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being part of Park Lots Eighteen, Nineteen and Twenty, in Lot Fourteen (14), Concession 11, formerly in the Township of North Monaghan, now City of Peterborough, County of Peterborough, more particularly described as Parts 1, 2, 3, 4, 5 and 6 on Reference Plan deposited at the Registry Office for the Registry Division of Peterborough (No. 45) on the 6th day of April, 1983, as Number 45R-4709.

SCHEDULE B

THIS INDENTURE made in duplicate the third day of January A.D.
1938

IN PURSUANCE OF THE SHORT FORMS OF CONVEYANCES ACT

BETWEEN:

HAROLD ARCHIBALD MORROW of the Township of North
Monaghan in the County of Peterborough, Esquire

(hereinafter called the GRANTOR)

OF THE FIRST PART

—and—

ROLAND MAXWELL GLOVER of the City of Peterborough
in the said County of Peterborough, Esquire, ROLAND
DENNE of the same place, Merchant, WILLIAM J. THOMP-
SON of the same place, Insurance Agent, FRANK LINDSAY
BRADBURN of the said Township of North Monaghan,
Esquire, and the said HAROLD ARCHIBALD MORROW

(hereinafter called the GRANTEES)

OF THE SECOND PART

—and—

DORA MARY MORROW the wife of the said Grantor

OF THE THIRD PART

WHEREAS the late Robert Archibald Morrow the then owner of the lands hereinafter described in his lifetime leased the same to the Peterborough Industrial Society an agricultural society under the *Agricultural Societies Act* of the Province of Ontario for the purpose of an exhibition grounds for the said society and for the general purposes of the said Society as an Agricultural Society under the said Act and it was the desire of the said Robert Archibald Morrow that so long as the said Peterborough Industrial Society continued in existence as such Agricultural Society and required the said lands for the purposes of such or similar annual exhibitions as have heretofore been held on the said lands that the said Peterborough Industrial Society should have the continued use of the said lands for the said purposes

AND WHEREAS the Grantor is a son of the said the late Robert Archibald Morrow and is the present owner of the said lands and desires to comply with the intention of his father and in order to carry the same out has decided to convey the said lands to the Grantees to be held by them and the survivors of them appointed as hereinafter provided upon the trusts hereinafter set forth.

NOW THIS INDENTURE THEREFORE WITNESSETH that in pursuance of the premises and the sum of ONE DOLLAR of lawful money of Canada now paid by the said Grantees to the said Grantor (the receipt whereof is hereby by him acknowledged) the said Grantor DOTH GRANT unto the Grantees in fee simple

ALL AND SINGULAR that certain parcel or tract of land and premises situate, lying and being in the Township of North Monaghan in the County of Peterborough and Province of Ontario containing by admeasurement twenty eight acres be the same more or less and being composed of park lots numbers EIGHTEEN, NINETEEN and TWENTY in Township lot number Fourteen in the eleventh concession of the said Township of North Monaghan

TO HAVE AND TO HOLD unto the said Grantees and their successors as trustees upon the trusts and terms hereinafter set forth SUBJECT NEVERTHELESS to the reservations, limitations, provisoies and conditions expressed in the original grant thereof from the Crown

AND the said Grantor RELEASES to the said Grantees all his claims upon the said lands subject to the provisions and conditions herein contained. The said lands are to be known as the R.A. MORROW MEMORIAL PARK and shall be held and used by the said Grantees and their successors upon the following trusts namely:

1. To maintain the same en bloc

2. To permit the Peterborough Industrial Society so long as the said Peterborough Industrial Society is an Agricultural Society within the meaning of the said description in the *Agricultural Societies Act* of the Province of Ontario or such other Act as may be substituted therefor or uses and desires to use the said lands for substantially the purposes for which they

have heretofore been used to the effect that the said lands may be so used in a manner calculated to be a benefit to the Agricultural and Industrial Community of the County of Peterborough in particular and generally a benefit to the remainder of the said Community or in the event of the said Peterborough Industrial Society ceasing to be a Society under the said Act and not using the said lands for the purposes hereinbefore set forth or in the event of the said Society not complying with the terms herein contained to permit such other society or association as may be substituted for the said Peterborough Industrial Society and in the opinion of the said Trustees will use the said lands for the purposes of the display of agricultural and industrial products and other purposes which may be considered a benefit to the agricultural and industrial community of the County of Peterborough to use the same for the purposes for which they have heretofore been used and for the annual display of agricultural and industrial products and such other purposes as are calculated to prove a benefit to the agricultural and industrial and general community of the County of Peterborough on payment by way of a yearly rental by the said Peterborough Industrial Society or such other Society or association as may use the same under the terms hereof of the sum of Two Hundred Dollars payable in advance on the first day of January in each year and all taxes and other rates with which the said lands may be charged including local improvements and subject to the condition that the occupants shall keep all buildings, fences or other erections on the said lands in a good state of repair as determined by the trustees, paying all costs of maintenance, and will keep the buildings on the said lands insured for their full insurable value or such less sum as may be determined by the Trustees and in such Companies as they may direct with loss payable to the said Trustees

3. The Trustees may, however, from time to time permit the said Peterborough Industrial Society to rent the said lands from time to time for periods not exceeding fourteen days for such shows and exhibitions as the Trustees may approve of and all revenue derived from such renting or letting shall be the property of the said Peterborough Industrial Society for the purposes of the said Society

4. In the event that the said lands shall cease to be used by the said Peterborough Industrial Society or a succeeding Society in accordance with the terms hereof or for the purposes mentioned herein if the Council of the City of Peterborough will undertake to preserve, maintain and beautify the said lands and permit the same to be used as a public park the said City of Peterborough paying all taxes including local improvements with which the said lands may be rated or assessed then to hold the said lands as a public park for the benefit of the inhabitants of the City of Peterborough or such others as the Council of the City of Peterborough may think proper

5. In the event of the said lands ceasing to be used by the Peterborough Industrial Society or for the purposes for which the said Society is permitted herein to use the same and the City of Peterborough being unwilling to undertake the care, maintenance, management or expense of the said lands as herein provided or being willing to undertake the same as to part only or the said City of Peterborough failing to carry out the terms of any agreement made between the Trustees and the said City of Peterborough in respect of such lands as hereinbefore provided then to hold the said lands upon trust for the Grantor his heirs, executors, administrators and assigns

AND IT IS HEREBY DECLARED that in the event of any of the Trustees or any Trustee appointed under the provisions hereof dying or resigning, or becoming through mental or physical infirmity incapable of acting or removing out of the County of Peterborough or failing to attend meetings of the Trustees for such period not less than one year as shall in the opinion of his co-trustees expressed by a two thirds vote of his said co-

trustees render it inexpedient for him to remain a trustee, the Grantor in his lifetime and the surviving or continuing trustees after the decease of the Grantor shall appoint a successor to such trustee, every such new appointment to be made by deed, and that thereupon such new trustee shall with the surviving and continuing trustees be a trustee of the said lands and premises upon the terms and trusts herein set out

AND IT IS FURTHER DECLARED that the said trustees shall hold all monies received from the rental of the said lands upon the following trusts: to pay all legal and other incidental expenses in connection with the formation and establishment and the carrying on of the said trust and to pay to one of the trustees for services in keeping the books and accounts relative to the trust estate and calling meetings of the said trustees and acting as Secretary in regard to the trust a sum not exceeding Fifty Dollars per annum and in event of all the said monies not being required for the said purposes to accumulate a fund not exceeding One Thousand Dollars and to use all monies over and above the said sum of One Thousand Dollars and not required for the aforesaid purposes for the maintenance and improvement of the buildings on the said lands: AND in event of any monies being received by the trustees under the fire insurance policies on the buildings on the said lands the monies so received shall be applied by them to rebuild the buildings damaged or destroyed as directed by the Peterborough Industrial Society if the said lands are then occupied by them and otherwise the same shall be used for the protection or improvement of the trust estate as to the said trustees may seem best. The said trustees shall keep a proper book or books of account showing all monies received and disbursed by them, a book or books of minutes showing correctly all minutes of their meetings, resolutions passed or proceedings taken thereof

AND the said trustees are hereby empowered with the approval of the grantor during his lifetime and afterwards at their own discretion to make such rules and regulations and provisions for the control and management of said lands as may be deemed advisable but no such rule or regulation shall in anywise alter or invalidate the terms of the trusts herein contained

A Trustee shall not be responsible for the failure of any investment or security made or taken by the Trustees or for anything done or omitted to be done in connection with the trust estate except for his own acts and to account for any monies coming into his hands and shall not be liable for injury done by others to the said trust premises or to any part thereof

AND the said DORA MARY MORROW the wife of the said Grantor hereby bars her dower in the said lands

IN WITNESS WHEREOF the said parties hereto have hereunto set their hands and seals

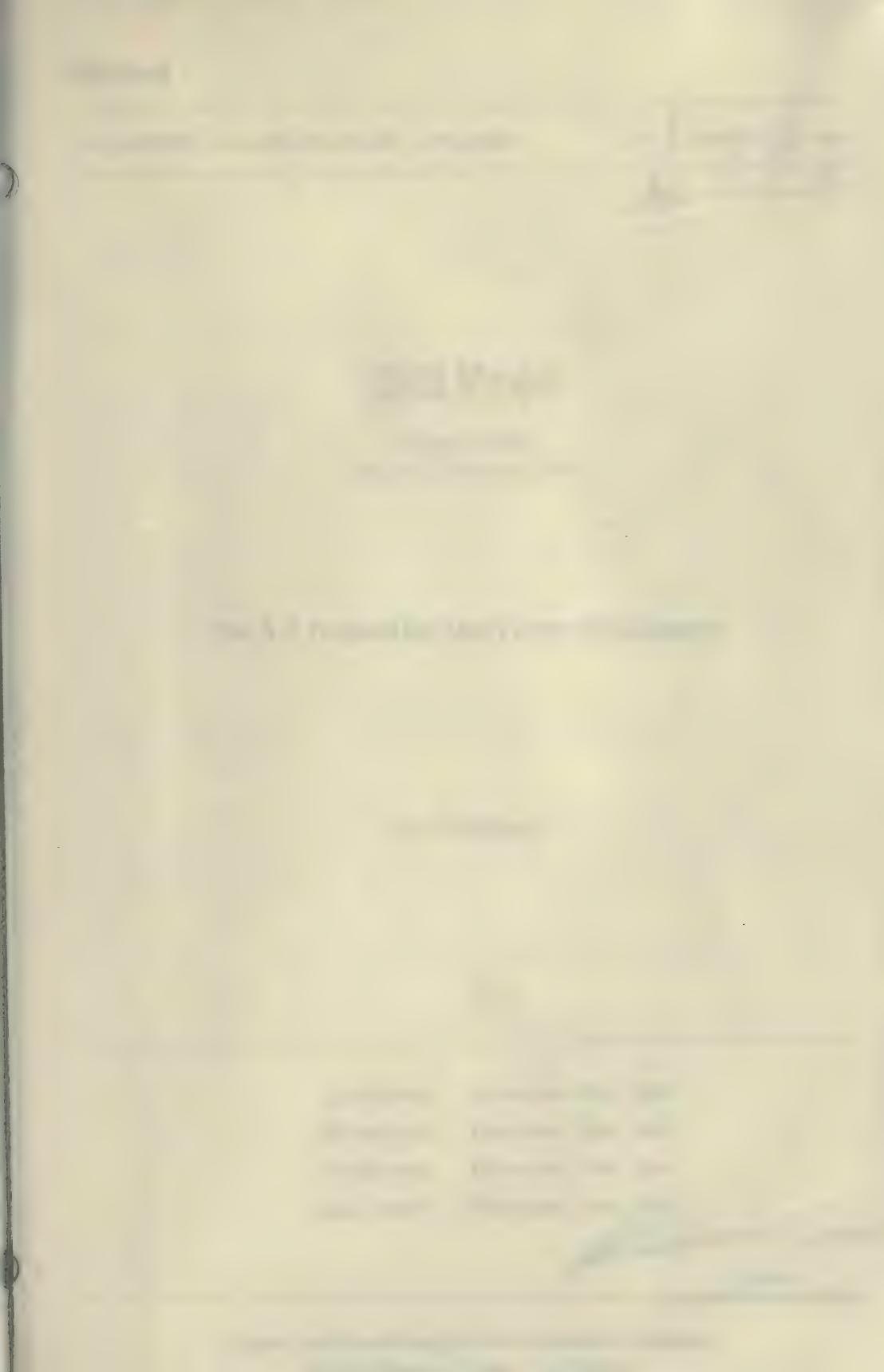
SIGNED SEALED AND DELIVERED

in the presence of:

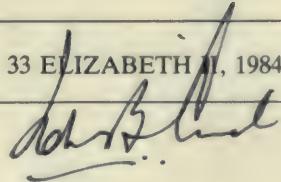
"MARY B. MULHOLLAND"

"H. A. MORROW"
"DORA M. MORROW"

[Affidavits Omitted]







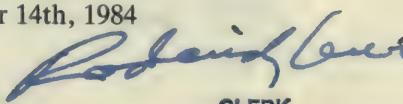
Bill Pr44

*(Chapter Pr30
Statutes of Ontario, 1984)*

An Act respecting the Town of Cobourg

Mr. Sheppard

<i>1st Reading</i>	November 20th, 1984
<i>2nd Reading</i>	December 13th, 1984
<i>3rd Reading</i>	December 13th, 1984
<i>Royal Assent</i>	December 14th, 1984



RODEN G. LEWIS
CLERK
LEGISLATIVE ASSEMBLY

REFERENCES

General reference: see Introduction to this volume.

Bill Pr44**1984****An Act respecting the Town of Cobourg**

Whereas The Corporation of the Town of Cobourg, herein called the Corporation, hereby represents that The Cobourg Parks and Recreation Board, herein called the Board, was established by *The Town of Cobourg Act, 1975*; that the council of the Corporation considers it to be in the best interest of the citizens of the Town of Cobourg that the functions of the Board be placed under the control of the council as a department of the Corporation and that all assets and liabilities of the Board become assets and liabilities of the Corporation and that an advisory board on parks and recreation matters be established; and whereas the Corporation hereby applies for special legislation for such purposes; and whereas it is expedient to grant the application;

Preamble

1975, c. 93

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Cobourg Parks and Recreation Board is hereby dissolved and all of the powers, rights, duties and privileges conferred and imposed upon the Board and all of its undertakings, assets and liabilities shall be assumed by the Corporation without compensation.

Board dissolved,
functions transferred

2. All by-laws of the Board shall continue as by-laws of the Corporation until amended or repealed.

By-laws continued

3. Upon the dissolution of the Board, the employees thereof shall become employees of the Corporation and all terms and conditions of employment respecting such employees, including, without limiting the generality of the foregoing, seniority, remuneration and other benefits in force, shall be assumed by the Corporation.

Transfer of
employees

4. The council of the Corporation shall be deemed to be a board of park management for the purposes of the *Public Parks Act*.

Council
deemed
board
R.S.O. 1980,
c. 417

5. The council of the Corporation, by by-law,

Advisory
committee

- (a) may appoint a parks and recreation advisory committee composed of such number of residents of the Town of Cobourg, being not less than three and not more than nine in number, as the by-law provides, to advise the council on the establishment of policies covering the operation of parks and recreation activities in the Town; and
- (b) may establish terms of reference and operating procedures for the advisory committee.

Repeal

6. *The Town of Cobourg Act, 1975*, being chapter 93, is repealed.

Commencement

7. This Act comes into force on the day it receives Royal Assent.

Short title

8. The short title of this Act is the *Town of Cobourg Act, 1984*.

